

9-2-2009

**Deposition upon Oral Examination of Stephanie McCleary
07-2-02323-2-109**

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SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

MATHEW & STEPHANIE McCLEARY,)
on their own behalf and on)
behalf of KELSEY & CARTER)
McCLEARY, their two)
children in Washington's)
public schools; et al.,)
Petitioners,)
vs.)
STATE OF WASHINGTON,)
Respondent.)

ORIGINAL

No. 07-2-02323-2 SEA

FILED
KING COUNTY, WASHINGTON

SEP 02 2009

SUPERIOR COURT CLERK
THERESA GRAHAM
DEPUTY

DEPOSITION UPON ORAL EXAMINATION
OF
STEPHANIE McCLEARY

2:19 p.m.
February 20, 2009
1111 Third Ave
Seattle, Washington

Margaret Walkky, CCR, RPR, RMR, CRR
Court Reporter, License No. 2540

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STEPHANIE McCLEARY, 2-20-09

1 Whereupon,
2 STEPHANIE McCLEARY,
3 having been first duly sworn, was called as a witness
4 herein and was examined and testified as follows:
5

E X A M I N A T I O N

BY MS. BASHAW:

8 Q. We just met. My name is Carrie Bashaw. I
9 represent the State of Washington in the McCleary
10 versus State lawsuit, which I think McCleary must be
11 your last name?

A. Uh-huh.

13 Q. Could you please state your name and spell
14 your last name for the record.

15 A. It's Stephanie McCleary. The last name is
16 M-c-C-L-E-A-R-Y.

Q. Can you please give me your address?

18 A. 201 Brighton. Do you want me to spell
19 that?

Q. Yes.

21 A. B-R-I-G-H-T-O-N, Avenue, Port Hadlock,
22 Washington, 98339.

Q. How long have you been at this address?

A. 12 years.

25 Q. You have two children, Kelsey and Carter?

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1 A. Uh-huh.

2 Q. It looks like Kelsey is about 15?

3 A. Correct.

4 Q. Carter is about 9?

5 A. 10.

6 Q. 10.

7 So prior to Brighton Avenue, you would
8 have lived somewhere else with Kelsey?

9 A. Correct.

10 Q. A different address?

11 A. Yes.

12 Q. What address was that?

13 A. 911 West Fifth Street, Port Angeles,
14 Washington, 98368.

15 Q. How long did you live at that address?

16 A. Probably four or five years.

17 Q. What is Kelsey's birthdate?

18 A. 11-23-93.

19 Q. Carter?

20 A. 2-6-99.

21 Q. Your kids are in the Chimacum School
22 District?

23 A. My son is in Chimacum Elementary School
24 and my daughter goes to Port Townsend High School.

25 Q. Are those both in the Chimacum School

1 District?

2 A. No, Port Townsend is a neighboring
3 district.

4 Q. Is it the Port Townsend School District or
5 is there another name?

6 A. It's the Port Townsend School District.

7 Q. Why the two different districts?

8 A. Well, when she was in middle school, she
9 was, she was having a hard time in school. She didn't
10 feel that she was being challenged. And she dances in
11 Port Townsend, and so she's there a lot and wanted to
12 transfer schools and see if that maybe offered a
13 different opportunity for her. So she started there
14 the fall of '08 this year as a freshman.

15 Q. Prior to the fall of '08, was she in
16 school in the Chimacum School District?

17 A. Yes.

18 Q. I apologize, Mrs. McCleary. Have you ever
19 had your deposition taken before?

20 A. About 15 years ago, I did, yeah.

21 Q. Just a reminder and so far we're doing
22 great, but the court reporter can only take down one of
23 us at a time. So I will try and let you finish your
24 answers before I speak again if you'll let me finish my
25 questions before you speak, and then we'll make

1 Margaret happy.

2 A. Okay.

3 Q. If at any time you need to take a break,
4 let me know that. If we're in the middle of a
5 question, I'll probably ask you to finish your answer.
6 But otherwise, if you need a break, just please speak
7 up.

8 If at any time you don't understand a
9 question I've asked you, please let me know that. I'll
10 try to rephrase it. If you don't ask me to rephrase a
11 question or let me know that you don't understand it,
12 is it fair for me to assume that you understood the
13 question being asked?

14 A. Say that again.

15 Q. If at any time I've asked you a question
16 and you don't ask me to -- strike that.

17 If I ask you any questions that you don't
18 let me know you don't understand, is it fair to assume
19 that you understood the question being asked?

20 MR. EMCH: I guess I'll object to that.
21 The answer will speak for itself whether she understood
22 the question or not.

23 Q. Can you answer my question?

24 A. You're asking me if I don't ask you back,
25 if I --

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1 Q. If you don't tell me that a question is
2 unclear.

3 A. You will assume that I understand the
4 question?

5 Q. Correct.

6 A. Yes.

7 Q. All right, thank you. I think those are
8 the basic preliminary deposition protocols.

9 So let's start with Kelsey. She went to
10 which elementary school?

11 A. Chimacum Elementary.

12 Q. I don't mean this to be a test of memory
13 of dates and all that sort of thing.

14 (Exhibit-29 marked.)

15 Q. I'm handing you what's been marked as
16 Exhibit-29. For the record I'll reflect that
17 Exhibit-29 is MCCL000005 through 43, and then the last
18 two digits 95 through 102. If you could just take a
19 minute and look through Exhibit-29 and let me know if
20 this looks familiar to you?

21 A. Yes.

22 Q. Are these some of the school records for
23 Kelsey, transcripts, WASL scores and that sort of
24 thing?

25 A. Yes.

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1 Q. So if at any time I ask you a question
2 that asks you to try and remember a date or any other
3 information that might be contained within Exhibit-29,
4 please feel free to refer to it if you need to refresh
5 your memory about something.

6 A. Okay.

7 Q. Did Kelsey go to any kind of preschool
8 program before going to elementary?

9 A. No.

10 Q. So when she entered elementary, she was in
11 kindergarten?

12 A. Yes.

13 Q. Did she go full days or half days?

14 A. Half days.

15 Q. So about what year was she in
16 kindergarten?

17 A. That would have been 1999 to 2000.

18 Q. That was at Chimacum Elementary?

19 A. We have a primary school. It's Chimacum
20 Creek Primary and it's a K2 school, and our elementary
21 is a three-five.

22 Q. So by K2 you mean kindergarten, first and
23 second grade?

24 A. Correct.

25 Q. And then elementary is grades three

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1 through five?

2 A. Correct.

3 Q. So from K, for K through two, she went to
4 Chimacum Primary School, and during that, the period of
5 time did you participate in any way by assisting or
6 going to class, helping in the classroom in Kelsey's
7 class?

8 A. Just to clarify this, it's Chimacum Creek
9 Primary School.

10 Q. Thank you. I appreciate that.

11 A. And then in answer to your question, I did
12 go to her classroom and I believe it was weekly to help
13 out, yes.

14 Q. What kinds of ways would you help out?

15 A. The students would read to me or I would
16 correct papers or I would help them with the lesson,
17 whatever the teacher needed help with that day.

18 Q. During any given week, approximately how
19 much time would you spend in the school or in Kelsey's
20 classroom?

21 A. It was probably for about an hour once a
22 week that I was there volunteering during the day.

23 Q. During that period of time, were there any
24 subjects that Kelsey had difficulty with that you were
25 aware of?

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1 A. Not that I can recall, no.

2 Q. Any particular subjects that stand out in
3 your mind that she excelled in?

4 A. I don't recall if anything stands out as
5 excelling. Kelsey is a good student in her classroom
6 in general.

7 Q. So grades three to five -- well, I
8 apologize, let me back up.

9 At Chimacum Creek to the best of your
10 recollection, how many students were in her
11 kindergarten class?

12 A. I would recall maybe 18 to 22 would be.
13 It's going back a few years.

14 Q. I appreciate that. I'm just asking for
15 your best recollection.

16 A. Sure.

17 Q. Was there one teacher or more than one
18 teacher at kindergarten?

19 A. One teacher.

20 Q. First grade, do you recall how many
21 students and teachers there were at that time?

22 A. First grade was one teacher and I would
23 again say the class size ranged from 17 to 20.

24 Q. Second grade, same question?

25 A. One teacher and I would again go with the

STEPHANIE McCLEARY, 2-20-09

1 17 to 20 range. Our class sizes in the primary
2 elementaries, particularly the primary are in that
3 range with, you know, through I-728 dollars that we get
4 to offset for class sizes.

5 Q. What's your understanding of how that
6 works?

7 A. My understanding is that the districts are
8 given the money, the I-728 to reduce class size. Well,
9 I think a lot of times it goes to reduce class sizes or
10 maybe teacher training, I'm not sure, but our district
11 has used it to class size reduction.

12 Q. Where does the money come from?

13 A. The state.

14 Q. Grades three to five at Chimacum
15 Elementary, did you participate in the system, in the
16 classroom during that period in Kelsey's class?

17 A. Yes.

18 Q. What did you do?

19 A. Again, I came into the classroom about
20 once a week an hour at a time, whatever the teacher
21 needed me to do, worked with the kids, probably grades
22 three and four. She didn't really want me coming in so
23 much after that.

24 Q. She being Kelsey?

25 A. Yes.

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1 Q. Did Kelsey for grade three have just one
2 teacher in the classroom or were there any
3 paraprofessionals or other teachers?

4 A. I believe it was just the one teacher. I
5 don't recall ed assistants in there or
6 paraprofessionals.

7 Q. Do you recall what the class size was in
8 third grade?

9 A. Third grade, probably ranged more from 22
10 to 25.

11 Q. Fourth grade, do you recall the range or
12 ratio there?

13 A. Same range, and fifth also.

14 Q. Do you recall any paraprofessionals or
15 teachers aides assisting in the classroom for fourth or
16 fifth grade for Kelsey's class?

17 A. Not that I recall.

18 Q. During her elementary years, were there
19 any particular subjects that Kelsey struggled in?

20 A. No.

21 Q. Any that stand out in your mind as her
22 excelling in?

23 A. No.

24 Q. Are you familiar with the term "learning
25 assistance program"?

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1 A. Yes.

2 Q. What does that mean to you?

3 A. It's LAP, our LAP program. It helps
4 students that are identified with learning
5 disabilities.

6 Q. Has Kelsey ever participated in any LAP
7 programs or services?

8 A. No.

9 Q. Have you ever been told by any teachers
10 that she should participate in any LAP type programs or
11 services?

12 A. No.

13 Q. Has Kelsey progressed from grade to grade
14 at the normal time frames?

15 A. Yes.

16 Q. Has she ever repeated a grade?

17 A. No.

18 Q. Has she ever had to repeat any course
19 work?

20 A. No.

21 Q. Has she failed any classes?

22 A. No.

23 Q. Have you ever been told by or had
24 conversations with any of her teachers in which they
25 have recommended to you that she repeat courses?

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1 A. No.

2 Q. Has Kelsey required any additional
3 assistance in her learning programs for any course work
4 to the current date beyond just the regular classroom
5 training?

6 A. Can you clarify what you mean by
7 "additional assistance"?

8 Q. Any after hours extra help that she's
9 gotten from teachers, or before hours?

10 A. No, not from teachers.

11 Q. Any tutors that you've hired or that have
12 been hired for her?

13 A. No.

14 Q. So from Chimacum Elementary she went to
15 Chimacum Middle?

16 A. Yes.

17 Q. Did you participate at any time in any of
18 the classroom work or activities at Chimacum Middle?

19 A. No.

20 Q. She really didn't want you around then,
21 right?

22 A. Correct.

23 Q. So for seventh and eighth grade, are you
24 aware of any periods of time in which she struggled
25 with any of her course work?

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1 A. No. Sixth, seventh and eighth?

2 Q. Thank you for clarifying. Yes. I'm used
3 to the junior high school range.

4 A. No, I don't recall any struggles with her
5 course work.

6 Q. Currently she's in ninth or tenth grade?

7 A. She's in ninth grade.

8 Q. At Chimacum High?

9 A. Port Townsend High School.

10 Q. I'm sorry, Port Townsend.

11 Within Exhibit-29 are there any documents
12 that tell us what her current GPA is?

13 A. Yes.

14 Q. The last two numbers on that line of
15 numbers?

16 A. 43.

17 Q. So her first semester in high school, it
18 looks like she has a cumulative GPA of 3.76; am I
19 reading that correctly?

20 A. Yes.

21 Q. Leaving middle school her GPA was 3.968;
22 is that correct? Looking at page 42 now of
23 Exhibit-29.

24 A. Yes.

25 Q. For the 2006-2007 school year, would that

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1 have been seventh grade for her? I'm looking now at
2 page 40.

3 A. Yes, seventh grade.

4 Q. Her GPA was 3.881; is that correct?

5 A. Yes.

6 Q. To date, has she passed all of the
7 elements of WASL that she's been required to take?

8 A. You mean the last test, the last WASL test
9 that she took?

10 Q. Well, I'm assuming she took the WASL test
11 in fourth grade, seventh grade, and I don't remember if
12 there's a ninth grade WASL or not. But fourth and
13 seventh grade, right?

14 A. Correct. WASL tests to date, she has
15 passed, met standard, I should say.

16 Q. And has she taken any, besides the fourth
17 grade and seventh grade one that you can recall?

18 A. I'd have to look through these, because I
19 believe they're tested yearly on different subjects.

20 Q. That's all right, you don't need to do
21 that. I'll withdraw the question.

22 At this point, though, have you provided
23 to your counsel all of the WASL records that you had
24 for Kelsey?

25 A. Yes, that I know of.

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1 Q. During any of Kelsey's school years, has
2 she participated in any extracurricular activities,
3 sports, drama, any activities outside of the regular
4 classroom?

5 A. She participated in volleyball in seventh
6 and eighth grade. She participated in a young writers
7 program that was during the school day and she was in
8 track in eighth grade for the beginning of it. She
9 didn't complete the season. I think that's it, that I
10 remember anyway.

11 Q. Is she involved in anything currently
12 besides her course work?

13 A. She's involved in dance.

14 Q. Was that after hours?

15 A. After school in Port Townsend.

16 Q. Is that part of a school program or
17 separate?

18 A. Separate.

19 Q. What kind of dance is she in training for?

20 A. She does jazz, hip hop, ballet, point,
21 contemporary or lyrical. She loves it all.

22 Q. Anything else besides dance currently?

23 A. No. She just finished drivers ed, if
24 that's...

25 Q. Has Kelsey received any particular awards

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1 from school that you can recall over the years?

2 A. It depends I guess what you mean by
3 awards. They have a lot of assemblies through school
4 that recognize student of the month or certain
5 behaviors that they're looking at that month, for maybe
6 turning in all your homework or being caring or those
7 kinds of things. She's received several of those
8 awards. I think she was student of the month, you
9 know. Every year, you know, she was chosen as a
10 student of the month at least once during the year or
11 just once.

12 Q. Do you know who goes into choosing a
13 student of the month?

14 A. I would say that it's in general, I would
15 think it's different from teacher to teacher, but
16 generally it would be a student that pays attention and
17 completes their work and maybe a good citizen.

18 Q. Anything else you can recall?

19 A. As far as awards, is that it?

20 Q. Yes.

21 A. Besides the WASL recognition awards, I
22 don't recall anything right now.

23 Q. By the "WASL recognition awards," what are
24 you referring to?

25 A. Well, our school had an -- initially when

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1 it came out, the first group of students that would
2 pass all three of their sections on the WASL, our
3 superintendent did an awards ceremony that with the
4 parents there and made a big deal out of it and with
5 the school board there. So she participated in that
6 and received a, I believe she got a certificate for
7 that.

8 Q. Has she gotten the WASL recognition award
9 more than once?

10 A. No, because I don't think it's happened
11 since that time. I think it was just, you know, I
12 think it was just that one time. First time I think it
13 happened it was at a board meeting, and the second time
14 they did more of a ceremony in the auditorium, and I
15 can't remember if she was at both of those -- I
16 remember the one in the auditorium.

17 Q. Is she part of the Honor Society or any
18 other schools at any point, has she been on the Honor
19 Society?

20 A. No.

21 Q. With her grades, I would think she would
22 qualify for Honor Society. Has she ever wanted to be
23 on -- or let me ask it a different way.

24 Do you know whether there is such a thing
25 as Honor Society in any of the schools she's attended?

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1 A. I don't believe there is in the middle
2 school. It seems to me the Honor Society is more of a
3 high school program, and I don't know in Port Townsend
4 if you go right in in your freshman year if you have to
5 establish more of a GPA. I'm not sure how that works.

6 Q. So they didn't have it at the middle
7 school?

8 A. Not that I know of, no.

9 Q. What do you think about WASL, the concept
10 of it?

11 MR. EMCH: Objection, ambiguous.

12 Q. Have you ever thought about WASL, whether
13 you like it or don't like it, or think it's good or
14 bad?

15 MR. EMCH: Same objection.

16 A. I don't know that I have an opinion on
17 it. I think testing in general is a good thing and to
18 have standards, but I don't really have an opinion
19 specifically on the WASL.

20 Q. You were talking about in response to my
21 questions about class or, excuse me, teacher and
22 student ratios. Did those ratios that you talked about
23 present any problems for Kelsey in any of those years
24 because of class size?

25 A. Did they cause any problems because of the

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1 class size? I guess I'm not sure what the question
2 is.

3 Q. Let me phrase it another way.

4 Did you ever have any concerns about the
5 student-teacher ratio for any of Kelsey's classes to
6 the current date?

7 A. To the current date, I would say yes.

8 Q. And what are you referring to?

9 A. I would say from probably middle school
10 on, I think the class sizes -- well, I guess it's
11 twofold. I think there's a lot of kids in the
12 classroom, kids like Kelsey that excel and do well,
13 that get kind of put to the side because they don't
14 need the help from the teacher the same way the other
15 kids do. And typically Kelsey has gone through,
16 starting probably in first grade, being assigned extra
17 credit to cover that gap when she finishes all her
18 homework: Here's something to do, work with these kids
19 over here.

20 Q. Did your teachers in your classrooms have
21 to do that when you were going to school? I mean, were
22 there kids that they had to pay more attention to
23 because they needed more assistance than others when
24 you were going to school?

25 A. I don't remember it being the same way as

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1 it's structured now. I think with all the emphasis on
2 the WASL, that they're working at getting this group of
3 kids to meet the standard, and my kid is over here
4 (indicating). And I think that, you know, if you look
5 at page 42 of Exhibit-29, if you look at her class list
6 there, two of her classes she's a TA in out of six.
7 They didn't have any class offerings for her.

8 Q. What does the TA mean?

9 A. Teacher's assistant. So for me, I think
10 that's a really -- I have a really hard time with
11 that. She got an A for it, but -- or a pass in one and
12 an A in the other. I don't know why the difference
13 there, but I think that's a poor use of two hours out
14 of her day.

15 Q. So does that mean she's providing
16 assistance in another classroom during that period?

17 A. Correct, yes.

18 Brennan, on the bottom there is a
19 multi-age teacher in elementary school, and Berg, the
20 first period, Berg was her -- what did she do? She was
21 her language arts previously and did the yearbook, and
22 Kelsey was involved in the yearbook, being the yearbook
23 editor, so she had her first period as a TA.

24 Q. Do you know specifically what type of
25 course work it was that Kelsey was providing assistance

1 in for either of these TA slots?

2 A. What type of course work?

3 Q. Was it math, was it science?

4 A. No. In Mr. Brennan's room in the
5 elementary school, I think they did a lot of copying
6 with him for the Xerox machine for his class. Is that
7 what you're asking me, types of activities she did
8 during those TA?

9 Q. Let me ask it that way. What was she
10 doing as a TA?

11 A. That's pretty much what they were doing in
12 Mr. Brennan's room, her best friend and another boy and
13 one of the teacher's sons, and they just put them all
14 in there as a TA. And he didn't have enough for them
15 to do so they -- anyway, that was kind of a joke.

16 Q. I'm sorry, let me just stick with
17 Brennan. So you said that she was doing copying?

18 A. Copying, you know, in the Xerox copy
19 machine, probably worked with some students here and
20 there beyond the generally running around, running
21 errands kind of a thing.

22 Q. So Berg's classroom?

23 A. Berg as classroom was probably more geared
24 towards the annual, because Ms. Berg is the annual
25 advisor and Kelsey was on the annual. There was

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1 probably more running around taking photographs for the
2 annual. You know, sometimes she'd comment there wasn't
3 a whole lot going on there, because I believe it was
4 Ms. Berg, I believe it was her prep period so she
5 didn't have a class during that time.

6 Q. By "annual," do you mean the yearbook or
7 something different?

8 A. Yes, yes, the yearbook.

9 Q. It looks like at Chimacum Middle, they
10 were on, they're calling them trimesters, but it looks
11 like it was a quarter type system or essentially you
12 had three different periods out of school year in which
13 they were taking specific courses and be graded; is
14 that correct?

15 A. Correct.

16 Q. So this was the third portion of this
17 school year?

18 A. Correct.

19 Q. Was she a TA for any other time period?

20 A. Looking at her class roster, and I don't
21 recall it anyway, but in looking back, I don't see that
22 she was. And they don't typically like to let them be
23 a TA unless they don't have anything for them to do.
24 In particular, the principal said to me they really
25 don't like to do it for two periods a day, but Kelsey

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1 is doing so well in school, that they didn't have a
2 place to put her that she would allow it.

3 Q. Do you know whether Kelsey liked being a
4 TA or didn't, did she ever talk about it?

5 A. I think Kelsey liked being a TA
6 initially. When it came time to the second TA, I had
7 asked about -- because previously she had taken a
8 photography class and I asked maybe if the teacher
9 could do a, you know, photography advanced or
10 photography 2 class, and he didn't have time to do that
11 because he was, you know, in his next photography
12 class, he's teaching those students the level one and
13 he didn't have any materials. So that's why they ended
14 up putting her in the TA for a second period because
15 there just wasn't any place for her to go outside of
16 the basic classes that she had fulfilled.

17 And so yes, I suppose she liked it to some
18 degree, but was extremely bored and becoming
19 disenchanted with school, stomachaches, headaches.
20 Sometimes I think the only thing that got her motivated
21 to go to school with any excitement was the fact that
22 she couldn't go to dance after school if she didn't
23 go. It just was, it wasn't a challenge. She had --
24 she had a couple teachers with really high expectations
25 and those turned out to be her favorite teachers. But

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1. that's about it.

2. Q. So are you referring now to this trimester
3. or some other period of time, trimester of '07-'08?

4. A. I would say in the trimester of, this is
5. '07 -- yes, in the trimester in '06-'07, when she was
6. in seventh grade, and '07-'08, by the end of each year,
7. she was feeling the same way.

8. At the end of her seventh grade year, I
9. started looking into private schools, other options. I
10. felt like she was depressed. I would talk to her
11. teachers about, you know, what's going on with her,
12. what can I do besides all this extra credit she's doing
13. on her own? So I started looking at other options, and
14. there's a private school in the area. I think it was
15. \$750 a month or something or 700, and we just couldn't
16. afford that.

17. So one of her teachers in particular that
18. worked really hard to make sure she was challenged
19. through school ended up becoming an eighth grade
20. teacher. He went from I think sixth grade to eighth
21. grade, so that's why we ended up going back into the
22. eighth grade and got her through that year.

23. Again, towards the end of the year as the
24. challenge and opportunities started falling apart or
25. they weren't there, the same kind of symptoms were

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1 coming out again. She was unhappy and the same, you
2 know, not feeling well and just didn't want to go to
3 school. She would go, but it was just I felt kind of
4 stuck as a parent on how to make it work for her better
5 during the day, how to get more for her.

6 Q. So if I understand you correctly, this was
7 the seventh and eighth grade years, or does it extend
8 to the sixth grade year?

9 A. I didn't really notice it in the sixth
10 grade year. I think that they're kept pretty busy with
11 their initial schedules. I think that, I don't recall
12 there being the same issue of the challenge, not being
13 challenged. And, you know, then we went back into
14 eighth grade and, you know, she finished okay. But
15 again, it was, I was trying to just find ways to
16 challenge her and to keep her motivated and interested
17 in school and not bored with school. She was looking
18 ahead, just wanted to do Running Start. She just
19 wanted more. She was trying to grab things that just
20 weren't there for her.

21 One of the things I did is I agreed to
22 bring in an exchange student into the home. I thought
23 well, that would offer a learning opportunity for her
24 and expand that way, and you know, help make the
25 transition into high school. What I found there is our

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1 exchange student came from Italy and she was here for
2 about a month and a half. Her education, her field of
3 study was so -- I mean, her course offerings they got
4 10, they went to six days a week and there were 10
5 classes. And her classes were Italian history,
6 English, French, Latin, Greek, philosophy, physics, PE,
7 math and did I say religion?

8 Those were her courses, and my daughter is
9 taking math, science, health, PE, geometry and
10 science. And so already it was just like a huge gap
11 between them. Yes, there were a lot of things from
12 Kelsey to learn from her. It made me really sad that
13 my daughter wouldn't have the same opportunities. We
14 had the student for about a month and started her in
15 school. They put her in IMP 2, which I think is
16 geometry, which she had had in the middle school and we
17 don't offer until they're sophomores, and she had art.
18 I mean, her schedule, it was fairly easy for her, I
19 should say --

20 Q. What was her first name? You don't have
21 to give me a last name.

22 A. Elena, E-L-E-N-A. Her concern was her
23 school started back home September 25th, I believe, and
24 she was afraid she would get too far behind in her
25 studies. She thought when she came here that she would

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1 learn something, and I think she actually came with
2 more knowledge about our own government and community,
3 you know, not community, but our government and our
4 language and things than we had in our home. She just
5 was miles ahead.

6 Anyway, it just was very much apparent to
7 us, and she ended up going home. I tried talking to
8 her mom to get her to stay, but her mom said she's very
9 much concerned about her studies and she's afraid that
10 she would just fall too far behind and wouldn't be able
11 to catch up. So that didn't turn out to be such a good
12 story either or a good avenue.

13 Q. So it's predominantly seventh and eighth
14 grade in which at least by the end of year, it was your
15 perception or belief that Kelsey wasn't being
16 challenged enough in school; do I understand that
17 correctly?

18 A. Correct.

19 Q. How about before seventh grade, any
20 concerns or thoughts about her not being challenged
21 enough in her other school years?

22 A. My concerns I guess were always apparent
23 in that just the assignment of extra credit that made
24 it apparent there wasn't anything for them to challenge
25 her with, that would be my concern, that they weren't

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1 able to meet the abilities that my child wanted to
2 learn by or to grow. I mean, it felt like they were
3 capping her growth in education.

4 Q. Was there anything that Kelsey herself
5 ever articulated, or is this something you perceived?

6 A. We talked about, we talked about it
7 particularly probably in the middle school years, about
8 different teachers and about not doing anything and
9 where's your homework and that kind of thing. We
10 talked about her frustrations with it, yes.

11 Q. Did she initiate those discussions?

12 A. Yes.

13 Q. Has she ever said I'm not challenged
14 enough or words to that effect?

15 A. She hasn't said those particular words,
16 no. She was probably more the terms of was, she talked
17 about her school day or didn't talk about it or the
18 lack of, or the way she talked about her classes and
19 what was happening in there or not happening, her
20 frustration.

21 Q. Do you recall any particular conversations
22 or any things she said in particular about her
23 classrooms and what was happening there that led you to
24 believe that she wasn't being challenged?

25 A. Well, particular conversations, I remember

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1 having conversations about classes being uncontrolled,
2 too many kids in them, can't concentrate.

3 Q. This is Kelsey telling you this?

4 A. Correct.

5 Q. Okay.

6 A. I was trying to figure out ways that we
7 could -- I was concerned about her demeanor. Just, you
8 know, you could kind of see this, you start at the
9 beginning of year excited, ready to go, to kind of
10 slough off towards the end of the year. So I was
11 becoming really concerned about her. I didn't probe
12 her with questions because I didn't want to put
13 anything in her mind and make it worse in that.
14 Rather, I just wanted to be there to kind of help:
15 Well, how about we try this or, you know, kind of a
16 thing.

17 Q. What is it that she would say about not
18 being able to concentrate? Do you recall anything
19 specific?

20 A. Specifically, no.

21 MR. EMCH: I would just note for the
22 record that Exhibit-29 is marked confidential subject
23 to protective order, so we're invoking the protective
24 order with respect to the documents in this exhibit and
25 all testimony about this subject, set of documents.

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1 These documents reflect individual student information.

2 Q. What kind of homework assistance did you
3 provide for Kelsey, either before or after school?
4 Let's just pick basically her primary elementary school
5 years.

6 A. Primary elementary school, there wasn't a
7 lot of homework assistance needs. She could pretty
8 much -- if she had something to bring home, she could
9 pretty much do it on her own. We participated in a
10 couple of class projects with her in that regard, and
11 every once in a while maybe some math help.

12 Q. You say "we," does that mean both you and
13 your husband?

14 A. Yes.

15 Q. What is his first name?

16 A. Matt.

17 Q. During the primary or elementary school
18 years, would you say one of you was more predominantly
19 the person assisting with schoolwork and homework and
20 that sort of thing?

21 A. I would say my husband probably picks up
22 the math area for my kids or Kelsey.

23 Q. For both kids?

24 A. For both kids, yes.

25 Q. Is there a particular subject area that

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1 you provide the predominant assistance in?

2 A. I think it falls under, and all other
3 duties as assigned. It's just the coordination of all
4 the schoolwork, you know, get your homework together
5 and that kind of thing.

6 Q. So at this point in time, do you have a
7 belief one way or another whether Kelsey has received a
8 basic education as you understand the term "basic
9 education"?

10 MR. EMCH: I'll object to the extent it
11 calls for a legal conclusion, ambiguous.

12 A. Can you repeat that question, please?

13 Q. If you were asked to define basic
14 education, how would you define it?

15 MR. EMCH: Same objections.

16 A. I would refer to the complaint, in the
17 complaint where it defines it, where the state Supreme
18 Court defines it.

19 Q. I'd like you to articulate for me what it
20 is that, not the Supreme Court, if you want to recite
21 the Supreme Court language, that's fine, but I'd like
22 you to articulate for me how you define basic
23 education, I mean, actually give me a definition.

24 MR. EMCH: Objection, the document speaks
25 for itself.

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1 A. Basic education for my child I believe
2 would give her some challenge. It would be in a
3 facility that's not old and falling down and where
4 she's concerned about mold growth. She's in a current
5 school that doesn't have textbooks. It would be an
6 education where there's textbook provided. It would be
7 an education where we're not paying extra fees all the
8 time, we're not fund-raising. It would be an education
9 that fulfilled her and helped her grow and become an
10 individual that can go out into the current society and
11 become part of it locally or globally.

12 Q. So is there some aspect of that definition
13 that Kelsey is not getting?

14 A. Yes.

15 Q. What is she not getting?

16 A. She's not getting textbooks. She's not
17 getting challenged. She's not in a facility that --
18 their facilities is falling down around them in Port
19 Townsend. They can't pass a bond, they tried twice
20 now. The grounds are in poor shape. It's hard to be
21 proud of where you go to school when it's in a
22 condition like that. So I don't think she's getting a
23 lot of those things. She's not getting an education
24 without our participation for sure.

25 Q. I'm sorry, I didn't hear that last part.

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1 A. Her education doesn't come out without our
2 constant participation.

3 Q. And "our" being you and your husband's?

4 A. Correct.

5 Q. Okay. I didn't mean to cut you off.

6 A. That's okay.

7 Q. Were you finished?

8 A. Yes.

9 Q. What textbooks is it that she doesn't have
10 that she needs?

11 A. In her current schedule, she's taking
12 French, health, science, geometry -- let me look here.
13 She has English, geometry, art, French, science and
14 health, and the only class she has a textbook in is
15 French and it's a textbook in the classroom only.

16 Q. What does that mean?

17 A. It means that she doesn't bring textbooks
18 home or have homework from them. I rarely see her have
19 homework anyway, but they work from worksheets that the
20 teacher provides, some of them handwritten out.

21 Q. As to the other courses that you've listed
22 there, to your knowledge, I mean, what makes you think
23 there are supposed to be textbooks?

24 A. Well, I can compare it to Chimacum School
25 District now. I have a pretty good comparison with the

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1 two now. They have textbooks for all those courses.

2 Q. Chimacum does?

3 A. Correct.

4 Q. Do they have, the school that she's in
5 currently at Port Townsend High, do they have computers
6 in the classroom?

7 A. I can't speak specifically to her
8 classroom computers. I do know they have some
9 computers at their school district, yes. I don't know
10 how many.

11 Q. So how has the transition or the change
12 from the Chimacum School District to Port Townsend
13 School District affected Kelsey in relation to her or
14 your thoughts about her not being challenged enough?

15 A. I often ask her that, because I'd like her
16 to come back to Chimacum. I asked her to compare, what
17 do you think, are you being challenged more? She said
18 she preferred the facilities and teachers at Chimacum
19 better because, you know, the facilities are better at
20 Chimacum than they are at Port Townsend. She likes
21 being in Port Townsend because that's where her dance
22 is and that's where her friends are.

23 I'm not sure how it's going to -- I need
24 to really think about it before I let her continue her
25 high school there. As I'm finding out more with, you

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1 know, the lack of textbooks and things like that, how
2 is that going to affect her? How are the teachers
3 teaching to the standards or the curriculum or anything
4 like that if they're not working from them? They may
5 be. They may have something, a teacher textbook or
6 something. I just have some real concerns about that
7 and her keeping up.

8 Q. Have you called the school and asked about
9 why she doesn't have any textbooks?

10 A. No, I haven't.

11 Q. Have you asked Kelsey why she doesn't have
12 any textbooks?

13 A. They just weren't given any. When I
14 talked to her the other day about it, I will follow up
15 with the school, but Kelsey is a self-motivated
16 student. So she always has done her homework on her
17 own unless she needs, particularly in the math, seems
18 like she would have a question or when she is learning
19 something new in that regard.

20 So it wasn't until recently that I had the
21 conversation with her about the textbooks, and I said
22 you don't have textbooks in any of your classes? And
23 she said no. Well, French, I guess we use one in
24 French class, but we just leave them there. And so
25 that was the extent of our conversation. She didn't

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1 find it odd that she didn't have textbooks because
2 they're still going to a class and she didn't bring it
3 up as an odd thing. It was more me, that I believe
4 they should have textbooks or something to learn from.

5 Q. Did she have textbooks last semester, I
6 mean, if the fall of '08 for her classes?

7 A. She had a lot of these same classes then.
8 I think the only one that's different -- I don't think
9 any of them are different. So I would say no, because
10 I would find it hard to believe they would give them to
11 them and take them away. I would assume she hasn't had
12 them all year.

13 Q. Are you just now, is it just now coming to
14 your awareness that she doesn't have textbooks and
15 likely didn't have textbooks last semester?

16 A. Yes.

17 Q. Do you think that Kelsey has been harmed
18 in some way because of these things that you've
19 identified as not being provided to her as a basic
20 education?

21 A. Yes, I do.

22 Q. And how has she been harmed?

23 A. I think her potential has been harmed for
24 sure. I think that lack of challenge and the lack of
25 course offerings and the lack of -- just the general

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1 nurturing of that education environment, to see her go
2 from a kid that loves education to totally bored with
3 it I think is a very harmful thing to kids, especially
4 with our current dropout rates.

5 Q. Is she bored with school right now? I
6 mean, has she said that to you recently?

7 A. I don't recall her saying that recently,
8 no.

9 Q. Where do you think she would be right now
10 if she had had the challenges? I mean, what would be
11 different now if she had challenges through any of the
12 periods that you believe she wasn't being challenged?

13 A. I believe she might be more in line with
14 somebody like our foreign exchange student that has had
15 opportunities, a lot of opportunities like that, to be
16 offered those classes and the different opportunities
17 to kind of go whatever direction fills your, you know,
18 whether it's the languages or the -- to have those
19 offerings. I think she would be more well rounded and
20 ready, know what's kind of going on outside and not
21 just, you know, what is going on the WASL test.

22 Q. What do you mean by that, know what's
23 going on outside?

24 A. I mean, to be able to step out of high
25 school with an education that prepares her to

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1 participate in this, and contribute to this society,
2 this economy, to know that if she wants to go, that
3 anything is possible, that she can go work anywhere and
4 be able to step into that and not be behind others.

5 Q. Do you think she's not going to be a
6 contributor to society in some way when she graduates?

7 A. I don't know. I think that when you start
8 losing your lust and your energy for learning, you get
9 kind of lazy with that. And I'm not saying that she is
10 getting lazy, but I don't know. I mean, I don't know
11 if you kind lose that drive if you're not being pushed,
12 you're not being challenged. I worry about that.

13 Q. Is there anything in particular that
14 you're aware of that specifically tells you that she's
15 lost her drive or will not be a contributing member to
16 society when she graduates?

17 A. Is there anything -- what was the first
18 part of that, anything that I'm aware of?

19 Q. Anything that you're aware of in
20 particular that indicates she's lost that drive? It
21 was compound so I'll just leave it at that.

22 MR. EMCH: I think she's asked and
23 answered that question.

24 A. I would say as her mother, I know her
25 pretty well and it's living with her day-to-day, I can

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1 see the differences in her when she -- you know,
2 particularly if we're going to talk about the eighth
3 grade years, I just saw her slide downhill. And just,
4 you know, like I said, if she didn't have dance, I
5 don't think -- it would have been more of a struggle to
6 get her to school each day. I'm her mother, I can
7 control that, but I didn't have to have the fight
8 because she had that dance at the end of the day. So
9 to me, that's really a backwards way about going to
10 school.

11 She's always loved school and to have her
12 not like it was really sad for me, because she's a
13 great kid, as all kids are. But in my kid's case
14 particularly, I just, I've seen a definite downward
15 slide in school enthusiasm.

16 Q. Does she talk about, maybe it's too early,
17 but does she talk about what she might want to do when
18 she graduates from high school?

19 A. No. It seems like that's kind of been all
20 over the board. I can't grab anything particular right
21 now. She talks about going to Running Start. She's
22 talked about that probably since seventh grade, and I
23 never put that in her head because I just want her, I
24 would like her to have this high school experience.
25 But she doesn't really fit into that, and whether it's

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1 a maturity level or what, I'm not sure. So anyway, if
2 she wants to do Running Start, obviously I'll support
3 that, but I wanted her to just have a great school
4 experience first.

5 Q. Has she expressed to you why she wants to
6 do Running Start?

7 A. She hasn't. It's just kind of made up in
8 her mind that's what she's going to do. I haven't
9 talked with her a lot about it. I was going to see if
10 that works. I didn't want to push her one way or
11 another. I think Running Start is a good idea, but I
12 think she'll have lots of time to go to college after
13 high school. However, if the challenge and the
14 opportunities aren't there for her during the day, then
15 yes, I would push Running Start to fill that gap.

16 Q. Why the reluctance to Running Start?

17 A. I think that, I know some kids that have
18 done it. I think it pulls you out of the school
19 setting. I think it pushes the growing up a little too
20 fast. Not that I want to keep her young, but I just
21 think that high school experience is, could be
22 something that she -- I would like to have her look
23 back on it, you know, as a great experience before you
24 kind of go out and have to start, you know, working and
25 going to college and that. It seemed like I wanted to

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1 keep a separation. Though I wouldn't not let her do
2 it, I just would have liked to see her be part of a
3 K-12 education system.

4 Q. You think Running Start, do you have an
5 impression one way or another whether Running Start
6 offers more of the challenge that you think she needs?

7 A. Yes, I think it would definitely challenge
8 her. I do.

9 Q. By "challenge her," you mean challenge her
10 in regard to her basic education?

11 A. I think it would definitely add some
12 challenge for her, yes.

13 Q. More so than high school?

14 A. Yes.

15 Q. And in what way would it provide more
16 challenge than high school?

17 A. I think the course work is harder and,
18 again, a lady in my office, both her kids went through
19 Running Start. I know they worked really hard and the
20 course work was harder for them. I'm not so sure
21 there's more offerings, because I would imagine they
22 still have to meet the basic college requirements. It
23 might be more of the same.

24 Q. You've identified her potential as having
25 been harmed, the lack of challenge that's been

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1 harmful. Any other ways in which Kelsey has been
2 harmed because of the lack of basic education that you
3 think she has being provided or hasn't been provided?

4 A. I think I kind of covered what comes to
5 mind right now, what's on the top part of my mind
6 anyway.

7 Q. Just let me know if you think of something
8 else.

9 A. Okay.

10 Q. Have any of Kelsey's teachers over the
11 years caused you any concern in terms of their
12 abilities or quality, quality of teaching?

13 A. I don't know if I would phrase it concern
14 as much as I think there's teachers that have a great
15 enthusiasm for teaching and they can really engage
16 students that way, you know, and then I think that
17 there's others that teach differently. I think there's
18 different styles. I don't know that that's caused me
19 concern as long as you get a well-rounded group of
20 teaching styles.

21 Q. Okay. Have you ever asked to have
22 Kelsey's teacher changed because of any problems in the
23 quality of the teaching by that person?

24 A. I don't know that I've asked to have any
25 teachers changed that I can remember. It's more that

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1 I've guided who she gets, I guess would be the way I
2 would say that, or requested teachers that I thought
3 would challenge her, would provide more of a challenge.

4 Q. Where did you gain that knowledge from to
5 be able to help guide that?

6 A. I work for the school district.

7 Q. I'll come back to your work and education
8 in a bit.

9 A. Sure.

10 Q. Has Kelsey ever asked to have teachers
11 changed because she didn't think they were adequate
12 enough for her?

13 A. Let me look really quick at her grades
14 just to get a reminder of who the teachers were. I
15 don't recall. I don't recall her having requested
16 that, except until recently she was, this last semester
17 was put in PE class, the teacher predominantly in the
18 PE class does a lot of running and she got shin
19 splints. In that regard, she went back into art to
20 complete her art requirement, she had to take -- she
21 took it the first half of the semester and civil
22 history and or US history, and Port Townsend takes it
23 in eighth grade, so they kind of gave her the art
24 class. She got pulled out of PE to finish the art
25 credit.

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1 Q. That wouldn't be related to the teacher?

2 A. No, I guess it would be his preference for
3 running, but not necessarily. I think he's a good
4 teacher. So I don't really recall that.

5 Q. So let's talk about Carter. Did he go to
6 the same schools as Kelsey?

7 A. Yes.

8 Q. Did he go to preschool?

9 A. At a church.

10 Q. Which church?

11 A. Lutheran Church.

12 Q. What ages did he go to preschool?

13 A. Let's see. I would say 3 and 4.

14 Q. Do you know if that was a particular
15 program that they were running, Head Start or anything
16 like that?

17 A. No.

18 Q. Just a church preschool?

19 A. Just a church preschool, one of the only
20 ones in town.

21 Q. How has Carter done in school?

22 A. Carter is a good student. He loves
23 school, you know, very similar to Kelsey in that
24 regard, loves going to school, loves learning, loves
25 being challenged. He's passed his first set of WASLs,

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1 I believe that would be, because he's in fourth grade
2 now. So it's the WASLs he took last year, I guess.

3 Q. And he passed all elements?

4 A. Yes, I believe so.

5 (Exhibit-30 marked.)

6 Q. So I'm handing you what's been marked as
7 Exhibit-30, which has MCCL000001 through 30. If I
8 could just take a moment and -- I'm going to back up.
9 It has 1 through 4, and then 8 through 30.

10 MR. EMCH: We'll go ahead and invoke the
11 protective order with respect to this exhibit and all
12 other documents marked confidential subject to
13 protective order produced today.

14 Q. If you could just take a minute and look
15 through that and see if you're familiar with that.

16 A. I am familiar with these documents.

17 Q. Are these the same kinds of school records
18 for Carter that we were talking about with Kelsey --

19 A. Yes.

20 Q. -- in Exhibit-29?

21 A. I'm sorry. Yes.

22 Q. Okay. So I asked you a question about
23 passing all the elements, I think it was, of the WASL.
24 Were you able to find that?

25 A. Yes. I'm on 3. Do you need the full

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1 number there? And it must have been third grade, he
2 took the reading and math, no tests were given for
3 writing or science, and he met standard on both of
4 those.

5 Q. He's in fourth grade currently?

6 A. So that was third grade.

7 Yes, he's currently in fourth grade.

8 Q. Has he taken a WASL yet this year?

9 A. Spring is when the...

10 Q. Has the teacher-student ratio been the
11 same for Carter as you were describing for Kelsey for
12 his primary, middle and elementary years thus far?

13 A. I would say yes. I think he's probably in
14 a class size of about 20, 25. He's in a multi-age
15 three, four, five combination. So he's in a second
16 year in the multi-age class.

17 Q. What does that mean, to be in a multi-age
18 class, besides having different ages in there?

19 A. It means when you have several multi-age
20 teachers in, say, the elementary, they can group
21 together and maybe have one teacher teaches math and
22 your high kids might go to that math teacher and the
23 other would take the medium and the other would take
24 the low. They have the ability to do some different
25 groups there.

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1 I think most of the day he's with his one
2 teacher, but then when it comes to math, I think math
3 might be the only one that they're going out to other
4 teachers on right now.

5 Q. In that high, what did you call it --

6 A. Higher math ability, I guess.

7 Q. Okay.

8 A. So it gives room for flexibility. Say,
9 when he -- it seemed like maybe two months ago he came
10 home and said they put him in the high math class, and
11 then it was a little bit of a struggle for him so they
12 moved him back down one, and recently he got back in
13 the high. And I said is it going easier for you? He
14 said yeah, I understand the concepts better. So it
15 offers movement for those kids that might already know
16 this concept, it gives them another option to work, you
17 know, at fifth grade material or level. And then I
18 guess if you exceed that, then you can go into some
19 middle school skills.

20 Q. So it sounds like it's an opportunity to
21 be more challenged?

22 A. Correct.

23 Q. Is he doing that for anything else besides
24 math?

25 A. Going into a high class for any other

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1 subjects? I think math, it seems to me is the one
2 class they're pulling them out of right now. I think
3 it's the only class, but I'm not sure about that.
4 That's the only one he talks about.

5 Q. Did Kelsey participate in multi-age
6 classes as well?

7 A. No, Kelsey didn't want to do multi-age
8 class. It can be, depending on -- she didn't want to
9 have one teacher for three years, one. She wanted I
10 think the single classroom experience. Sometimes I
11 think the multi-age classroom, it's a different style
12 of learning and it doesn't work for every child. And
13 she was pretty sure that was not what she wanted to do
14 at all.

15 And Carter, I felt it would work with his
16 style of learning really well and he has, he really
17 likes it. His teacher is a great teacher, models the
18 style very well. It's not for everybody to do. I
19 mean, it's a different style of teaching. And so it's
20 been a good thing for Carter.

21 Q. So what do you think about the style
22 that's good for Carter, what's different?

23 A. I think there's several. His teacher's
24 enthusiasm for learning is tremendous and he's excited
25 and he just empowers the kids, and they're learning

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1 without realizing they're learning. They have a
2 community member that donates \$3,000 to that program.
3 They also have a website that they do fund-raising on.
4 They sell cards and things to go on field, experiential
5 type learning trips, field trips, hands-on
6 experiences.

7 They go to the Audubon centers and the art
8 centers and they go to -- we've gone out in the river
9 and collected samples, and I've gone on a couple of
10 those trips and it's a pretty amazing learning tool for
11 kids to actually see what they're being taught. I
12 think that's huge. It takes a lot of energy on the
13 teacher's part to organize and do those kinds of
14 things, but they've been given the opportunity mostly
15 because of that community member and other
16 fund-raising.

17 Q. Any teachers to date that have caused you
18 any particular concerns in terms of their quality of
19 teaching for Carter?

20 A. No. I mean, I don't think there's anybody
21 that's caused concern. He had a first grade teacher
22 that was retiring that year and I just kind of felt
23 teaching was not quite there, the challenge. He was in
24 that class I think once a week, but he did fine. It's
25 first grade. So no, it's just a difference of an

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1 enthusiastic teacher and one that's ready to go.

2 Q. Are there any subjects or course work that
3 any of the teachers have talked to you about in terms
4 of their having any concerns about Carter's ability to
5 learn the subject matter?

6 A. No.

7 Q. Any suggestions or recommendations from
8 any of his teachers that he repeat any course work?

9 A. No.

10 Q. I'm assuming he's progressed from grade to
11 grade at the normal time frames?

12 A. Correct. He went to an all-day
13 kindergarten program, as opposed to Kelsey on only the
14 half-day program. Kelsey, it wasn't offered at
15 Kelsey's age.

16 Q. What's the difference between an all day
17 and a half day other than the number of hours?

18 A. The number of hours, I think that
19 obviously research has shown that it helps kids get a
20 better start. I had to pay \$240 a month for him to get
21 that extra half a day, but for him, I just totally
22 believe in the all-day kindergarten program. It seems
23 like two and a half hours after going to preschool,
24 that two and a half hours wasn't really, you're just
25 kind of getting there, that it would be great to have

STEPHANIE McCLEARY, 2-20-09

1 the challenge of the whole day.

2 Q. That was for the entire year that he did
3 the all day?

4 A. Correct.

5 Q. Any particular awards that stand out in
6 your mind for Carter that he's received?

7 A. They did a program called ExploraVision in
8 his multi-age class and they spent weeks on putting
9 this project together. It's where you invent something
10 and they get to this finished project and they send it
11 off to the ExploraVision people, and they got honorable
12 mention, which was huge in all the entries they receive
13 for, what did they do, it was bricks that could
14 withstand an earthquake. There was a name for them.
15 But anyway, so they got an award for that.

16 Q. Is that what he invented, was a brick --

17 A. Uh-huh.

18 Q. -- to withstand an earthquake? That's
19 probably a pretty good thing.

20 A. Yeah. They work in groups together.

21 And he's had student of the month and, you
22 know, that kind of classroom awards.

23 Q. Extracurricular stuff that Carter is
24 involved in?

25 MR. EMCH: Is that a question?

STEPHANIE MCCLEARY, 2-20-09

1 Q. Did you not understand that as a
2 question?

3 A. You're asking me what he's involved in; is
4 that correct?

5 Q. Yes.

6 A. Extracurricular? He participates in
7 soccer. He participates in basketball intramurally.
8 It's not through the school. He was participating in a
9 Pokemon club that his teacher offered for all grade
10 levels and ages once a week, but he doesn't do that any
11 longer.

12 Q. Which grade was that?

13 A. That would have been grade two through
14 three.

15 Q. Anything else that you can recall?

16 A. Not that's coming to mind right now, no.

17 Q. Has Carter ever participated in any
18 learning assistance program or courses?

19 A. No.

20 Q. Has he expressed to you any complaints
21 about school and his education?

22 A. No.

23 Q. Are you familiar with the Chimacum Choice
24 program?

25 A. Yes.

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1 Q. What's your understanding of what that is?

2 A. It's where community members -- well, I
3 think it's evolved. It used to be community members
4 along with teachers would put together something they
5 were good at, beadmaking or pottery or making a cake or
6 decorating a cake, and they would have small groups of
7 kids, they hand out packets and the kids can choose
8 what classes they want to take. It goes over the
9 course of two days, I think, or two Fridays, and it's
10 an enrichment piece. And mostly, now I don't think
11 there's a lot of community members involved in it as
12 much as there are just teachers doing that.

13 Q. So these would be short-term learning
14 opportunities that were being provided either by people
15 in the community who had an ability to teach a
16 particular subject or they're teachers themselves?

17 A. Uh-huh, correct, not as much as a subject
18 as far as like math, reading kind of a subject, more of
19 a craft or a, you know, how to make a kite, things like
20 that, how to sing sea shanties. It's usually like I
21 said two days, two half days.

22 Q. Has Kelsey or Carter during any of the
23 years that they were -- well, strike that.

24 Does Chimacum Choice pertain to elementary
25 or primary school?

BULKY SUB

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1 A. Both.

2 Q. Have either Carter or Kelsey participated
3 in any of those?

4 A. Yes. As long as they were in attendance
5 that day, all kids participate. It's during the school
6 day.

7 Q. Is there some aspect of a basic education
8 that you believe Carter is not getting?

9 A. I believe Carter's education is being
10 fulfilled by the donations they receive, by the
11 fund-raising they do, they have a lot more
12 opportunities. And unfortunately, it's a lot more
13 opportunities than the other kids, because everybody
14 wants this particular teacher because of, you know, all
15 the different learning experiences they get.

16 Q. That's the multi-age class?

17 A. Yes.

18 Q. What's the name of the teacher in that
19 class?

20 A. Mr. Brennan.

21 Q. So at any time to the current time that
22 Carter's been in the K-12 system, is there some aspect
23 of basic education that you believe Carter is not
24 getting?

25 MR. EMCH: Objection to the extent it

STEPHANIE McCLEARY, 2-20-09

1 calls for a legal conclusion.

2 A. The question being again, is there
3 something I see Carter's not getting?

4 Q. Yes.

5 A. I think that it would be the same in
6 regards to Kelsey. I think Carter is getting a little
7 more, for reasons I've explained with the extra funds
8 they get in their classroom. I think there's a lot --
9 I think there's always more to the education
10 opportunities that could be added in. I think he's
11 just fortunate of his location.

12 Q. So has Carter been harmed in some way to
13 date because of any aspect of his education that he's
14 getting or not getting?

15 A. I think the harm comes from when we quit
16 filling in the gap with all the extra money and
17 fund-raising and levies and things. I think the harm
18 will be very apparent then. I think it's hard to see
19 the harm as clearly at the elementary level. It
20 starts, you know, like with my daughter, it started
21 presenting as you have to start growing your skills and
22 reaching out. So yes, I'd say that he's been harmed.
23 Both my kids have been harmed.

24 Q. With Carter, I thought I heard you say the
25 harm will come when you stop filling in the gap. Did I

STEPHANIE MCCLEARY, 2-20-09

1 hear that correctly?

2 A. It's going to be more apparent. I think
3 that in his particular classroom, it's different than
4 the other kids in the school because of their donor or
5 the person that takes care of that classroom. I think
6 if we hadn't passed levies and paid the taxes and, you
7 know, donated supplies, and currently they're asking
8 for pencils to be sent in, even in that classroom
9 because they're out of pencils, I think we're still
10 filling in those gaps.

11 Q. How has Carter himself been harmed?

12 MR. EMCH: Objection asked and answered.

13 Q. I mean, Carter doesn't pay taxes, right?

14 A. Correct, right.

15 Q. He doesn't go out and buy the pencils?

16 A. Correct.

17 Q. He doesn't pass the levies?

18 A. Correct.

19 Q. How has Carter himself been harmed?

20 A. I would say the harm is in the quality of
21 the education he's getting.

22 Q. So what's lacking in the quality?

23 A. It's the students and even in the
24 classroom they have, they're still spending tons of
25 time making crafts to sell for their classroom

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1 fund-raising, they're donating stuff to the PTO. I
2 think that's the harm coming in. You're missing class
3 time in order to fund-raise for basic supplies. Their
4 donor gives them things to do the field trips and the
5 experiences, the outdoor experiences. But the constant
6 fund-raising that has to take place just for, you know,
7 supplementary supplies in the classroom, technology,
8 PTOs and PTAs raising funds for the technology in the
9 classroom or something that particular classroom
10 needs. I think that's where some of the harm comes
11 from, is the continual time it takes away from
12 education.

13 Q. So how much time during a week is Carter
14 spending making crafts in order to raise funds?

15 A. Particularly, I would say in December,
16 when they have the craft fair and November and
17 December, they spend maybe a couple of hours a day.

18 Q. So for about what, a four-week period?

19 A. Uh-huh.

20 Q. Yes?

21 A. Yes.

22 Right now, they have a website up where
23 they're selling their recipe books and cards and
24 things. I'm not sure what their maintenance of that is
25 going to be as it's a new website.

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1 Q. Who actually put up the website?

2 A. The parents and the teacher, in
3 coordination with the parents and teacher.

4 Q. So the recipe books that the children
5 developed?

6 A. Yes.

7 Q. How much time did Carter spend
8 contributing to the development of the recipe book?

9 A. I can't answer how much time he spent on
10 it. He would have written a blurb about, you know, the
11 recipes that he contributed and drew a picture for the
12 cover and helped put their card packs together and
13 whatnot, along with a lot of parent volunteers.

14 Q. Is there some aspect of writing a blurb
15 for a recipe book that is not a learning endeavor for
16 Carter?

17 A. I think writing is all a learning endeavor
18 for sure. I don't know about painting oyster shells to
19 look like Santa, you know, over the course of several
20 days is as much of a learning opportunity. I suppose
21 you could put it in the art class category, but...

22 Q. So how much class time to your knowledge
23 has Carter missed because of needing to do, quote,
24 constant fund-raising?

25 A. I don't think I could answer that

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1 specifically. I think just in regards to what I said
2 earlier, it's particularly around that, the end of
3 November, first of December where they do most of their
4 fund-raising. I can't give you, I don't know how much
5 time to say that is.

6 Q. And was that particular to the '08,
7 November '08, December '08 time frame, or are you
8 referring to every year?

9 A. It would have been the last two years that
10 he's been in this particular class.

11 Q. So you've mentioned a couple of times some
12 sort of donation that occurs for this particular class?

13 A. Uh-huh.

14 Q. Tell me a little more about that.

15 A. It's a -- there's a gentleman that, I
16 think the first time he donated might have been \$2,000
17 or \$2,500, and he comes to a lot of these functions
18 just to kind of see the kids off and see what they're
19 doing with his donation. They write him thank you
20 letters and about their experiences. And last year he
21 gave them \$3,000 because he had a good year, and he was
22 so pleased, he said it was the best return he's ever
23 seen on his money, the excitement of the kids and all
24 that they learned and the feedback he got. He's
25 donated to other organizations and never received that

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1 kind of a satisfactory feeling for a contribution I
2 guess. This year, I don't know how much he's given to
3 date.

4 Q. Is it a donation directly to Chimacum
5 Elementary or to the school district or do you know?

6 A. It's to the classroom, the IMAP multi-age
7 classroom.

8 Q. You're calling it IMAP?

9 A. Yeah, multi-age -- there you go.

10 (Exhibit-31 marked.)

11 Q. Mrs. McCleary, I'm handing you what's been
12 marked as Exhibit-31. Do you recognize this as, with
13 the last two numbers on it, 91; is that correct?

14 A. Correct.

15 Q. And does this appear to be one of the
16 fliers or a page from a flier that refers to IMAP and
17 Mr. Brennan?

18 A. This is a copy of their website page, the
19 home page on their web page, I guess you call it.

20 Q. This is the multi-age class group that
21 Carter is participating in that relates to this web
22 page?

23 A. Yes.

24 Q. What is the donation money used for, to
25 your knowledge?

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1 A. I believe most of it, if not all of it,
2 goes to the various trips that they take.

3 Q. What does it help pay for?

4 A. It pays the transportation, it pays the
5 entrance fees. There's a math program that the whole
6 class, it buys a subscription for each child. I
7 believe it's \$40 a year, is my guess, for each child to
8 be able to go onto the computer and you can take math
9 quizzes and kind of an interactive math program, and
10 they can work on it at home, which my son does with my
11 husband quite often, if they have a computer at home.
12 So I do know they buy a subscription for the whole
13 class for that.

14 What did I say? Entrance fees, gas,
15 busing, transportation. A lot of times they'll take
16 the city transit as part of their learning experience
17 to get someplace. The entrance fees to a lot of places
18 are fairly expensive, the arrow museum and things like
19 that.

20 Q. Anything else besides missing class time
21 that you've already discussed that you believe has
22 occurred that has harmed Carter in some way because of
23 not getting something for his basic education?

24 MR. EMCH: Objection, mischaracterizes the
25 testimony. I don't think it was so limited. You can

1 answer.

2 A. Can I ask you to repeat it? I got lost in
3 that. I'm sorry.

4 Q. I'm not sure it's possible. Let me try
5 again.

6 I was asking you about in what way that
7 Carter had specifically been harmed or I was asking you
8 to describe in what way Carter has been harmed through
9 the education system that he's participated in, and you
10 talked about that he was having to do constant
11 fund-raising, missing class, tons of time making
12 crafts. So I'm trying to explore whether there are any
13 other ways in which Carter himself has been harmed.

14 A. I would add to that as far as, you know, I
15 talked about all of the experience that Carter's class
16 gets to have and the rest of the kids don't. I think
17 it's real -- I think it's really hard on the rest of
18 the kids in the school to see one class having all
19 these experiences. So Carter is really aware of their
20 class is special, so to speak, and the other kids are
21 not.

22 So as far as Carter specifically, I look
23 at that whole elementary school and I don't think kids
24 understand why one group of kids gets something in
25 education and another group would not, or why one class

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1 gets to do all this stuff and they don't. I think
2 they're little kids. I think there's a lot of harm in
3 that. I guess that's what I would add to that.

4 Q. Has Carter ever been teased by any of the
5 other kids that you're aware of because he participates
6 in this class, the IMAP class?

7 A. I'm not aware of him being teased for
8 being in the class, no.

9 Q. Has he ever said anything about wanting
10 not to be in the class because his other classmates
11 aren't in there?

12 A. No, because all his friends are in there.
13 There's a good majority of his buddies are in that
14 class.

15 He has commented, if I can add, one of his
16 other friends is in another multi-age class and he has
17 made comments about they don't get to do these things
18 with them, you know. I mean, he's aware of that,
19 probably from, you know, the conversations with that
20 other kid.

21 Q. That he talked about that they don't get
22 to do the things together at the same time?

23 A. The other class doesn't get to do the same
24 things at all. His class is the only one that does
25 these out of the whole school, these kind of trips.

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1 The others may get one trip per year, if there's money
2 in the budget to pay for the transportation.

3 Q. But his is the only high multi-age class?

4 A. His class is not a high multi-age class,
5 no, but there's three multi-age teaches. And when I
6 talk about the high math class, when they separate
7 these kids out to trade class forms for math, he goes
8 to the higher math class, but Mr. Brennan's class is
9 not considered a high multi-age. It's a three, four,
10 five, with all levels of kid in there. It would just
11 be that one class they're pulling them out so they can
12 work with their level as a group of kids.

13 Q. I understand now. Thank you for that
14 clarification.

15 So tell me about yourself. Where did you
16 go to high school, middle school?

17 MR. EMCH: Before we start that, do you
18 want to break?

19 THE WITNESS: It would be a good time to
20 do that if I could.

21 (Brief recess.)

22 Q. So did you go to the Washington school
23 system, were you a student in that system?

24 A. Yes.

25 Q. For all of your school years?

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1 A. Yes.

2 Q. And where did you start?

3 A. I started in the Edmonds School District,
4 kindergarten and first grade, and then went to Sequim.

5 Q. Sequim?

6 A. Yes, S-E-Q-U-I-M. And I went there from
7 second through 12th.

8 Q. Your husband, where did he go to school?

9 A. I believe that it was kindergarten through
10 eighth grade at a Catholic school, and then it was
11 either eighth or ninth grade that they went into the
12 public school system.

13 Q. Do you know which public system?

14 A. Auburn.

15 Q. Did he finish up in the Auburn School
16 District?

17 A. Yes.

18 Q. Did either of you go to college after high
19 school.

20 A. I went for one and a half, they call them
21 semesters, from fall, from September to April at
22 Western, and my husband went to community college. Was
23 it Auburn Community College? I'm not sure. I've heard
24 it a million times, but I just can't --

25 Q. Green River?

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1 A. Maybe. That would be the one that's right
2 there along -- it's probably the one, yes.

3 Q. Did either of you obtain any degree after
4 high school?

5 A. I believe he has an AA and I do not have a
6 degree.

7 Q. Do you know what Matt's AA is in?

8 A. No.

9 Q. What year did you graduate from high
10 school?

11 A. 1983.

12 Q. And Matt, if you know?

13 A. Probably '74 or '75.

14 Q. And when did you two marry?

15 A. 1991.

16 Q. Did you work between 1983 and 1991 in any
17 particular jobs?

18 A. Yes.

19 Q. Okay. What kind of work did you do?

20 A. You want from high school on, is that your
21 question?

22 Q. Yes.

23 A. I worked over here -- our friend from
24 Sequim had a gas station on Lake City Way, a car wash.
25 I worked there for a while until I got robbed. Then I

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1 changed to, I went through an employment agency and
2 worked for construction company for about a year, and
3 they went bankrupt. I worked for a debt collection
4 agency and they went bankrupt.

5 And I finally gave up on paying for jobs
6 and I moved home, was hired by the school district in
7 Port Angeles. I was 21, which would be 23 years ago.

8 Q. So you've been there since?

9 A. I worked for Port Angeles for, let's see,
10 12 years for Port Angeles. And then I transferred to
11 Chimacum School District and have been there ever
12 since.

13 Q. What did you do for the Port Angeles
14 School District?

15 A. I worked in the administration office for
16 three or four years, and then I transferred out to the
17 elementary school where I worked for eight years as a
18 secretary.

19 Q. Secretary in both spots?

20 A. Yes.

21 Q. Were these full-time positions?

22 A. Yes. I went on a reduced five-hour day
23 after I had Kelsey for a year, for a year and a half,
24 and then back up to full-time.

25 Q. So approximately what years were you at

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1 the Port Angeles School District?

2 A. Well, I left, I believe, in '96. So you
3 subtract about 12 years from that, '74.

4 Q. '84?

5 A. '96, '84, I was 21. '86 to '96. That the
6 only 10 years. I know I was there at least 11 years.

7 Q. What have you been doing with the Chimacum
8 School District?

9 A. I work for the district office with
10 personnel, executive secretary. I started with
11 different jobs when I started there, but that's -- that
12 was the first year and then I've been doing this
13 particular job ever since.

14 Q. How long have you been doing the executive
15 secretary position in the personnel office?

16 A. Did I say I've been there 12 years?

17 Q. Well, I thought you said Port Angeles for
18 12 years.

19 A. I've been there since '96-'97. So
20 '97-'98.

21 Q. Have those been full-time years
22 essentially from '98, '98 to the current year?

23 A. When I started that first, I think I
24 started in October till about April or May, I was only
25 five hours a day until I got this next position. And

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1 then when I had Carter, again I went on reduced time
2 for a while. But other than that, yes, it's a
3 full-time job.

4 Q. What about Matt, what kind work is he
5 currently doing?

6 A. He sells wine.

7 Q. For a particular winery?

8 A. For a distributor called Noble Wines based
9 out of Seattle.

10 Q. N-O-B-L-E?

11 A. Yes, Noble Wines LTD, limited.

12 Q. So how does he go about selling wines?
13 Does he go to wine stores or what's the nature of his
14 work?

15 A. Well, he goes -- he has different
16 territories. And so Monday, he's in Poulsbo; Tuesday,
17 Port Angeles; Wednesday, Port Townsend; Thursday,
18 Poulsbo; and then Friday in Port Townsend, meetings in
19 Seattle. And yes, working with people and trying to
20 convince them to buy his wine.

21 Q. Does he go to grocery stores, small wine
22 shops, that sort of thing?

23 A. He goes to grocery stores, wine shops and
24 restaurants.

25 Q. Is this considered a full-time position?

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1 A. And then some, yes.

2 Q. How long has he been doing that?

3 A. 14 years.

4 Q. So most of the time you've been married,
5 he's been doing that, it looks like, '90, '91 ?

6 A. We were married in '91. We lived together
7 for about six years prior to that, if that matters.
8 But, so Kelsey was a year old I think when he started
9 selling wine.

10 Q. So that takes us back to about 1995, '94?

11 A. Yeah.

12 Q. So prior to that time frame, what was he
13 doing?

14 A. Prior to that, he managed a bar for 13
15 years where he worked at night, and we were building a
16 sailboat during that time. Once we launched the boat
17 and had Kelsey is when we started looking at more
18 family time together, so that's when he changed jobs.
19 We spent a year up at the golf course, we ran the
20 concessions, did the restaurant, and managed the bar,
21 and then he got into the wine sales.

22 Q. How would you compare the education that
23 your kids have received to date to what you received in
24 the K-12 time frame?

25 A. I don't really know how to compare it. As

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1 you're going through it, as a kid, you know, it's a
2 different.

3 Q. Does anything stand out to you as being
4 different?

5 A. I see a few less choices in class
6 offerings than I had. I see facilities kind of, they
7 seem to be more run down than I remember our facilities
8 being. I had a track at my school at Sequim and we had
9 a football field. At Chimacum, we don't have track.
10 We get something that's practiced on, it's got all
11 these holes and whatnot. We don't have a football
12 field that they can have home games in. So generally,
13 I would say those kind of things are different.
14 Facility conditions maybe.

15 Q. So choices, less choices and different
16 physical structure?

17 A. I don't remember paying for a lot of
18 things in school. It doesn't mean I didn't. It
19 obviously didn't come from my pocket. I didn't pay to
20 participate in sports. I didn't pay for, you know, a
21 lot of the small classroom supplies and incidentals and
22 participation fees. And I remember if we went on an
23 outdoor ed experience, I don't having a fee or
24 fund-raising for any of that. We have two of those in
25 the sixth and eighth grade years at Chimacum that cost

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1 \$150 for each class.

2 Q. Which classes were these?

3 A. In comparison to Kelsey and mine, this
4 would be Kelsey's experiences in Chimacum Middle
5 School, they have an outdoor ed program to Cispus,
6 that's \$150 per kid, and to Olympic Odyssey, that's
7 \$150 per kid.

8 Q. You might have to spell some words there
9 for Margaret.

10 A. Cispus is C-I-S-P-U-S, and Olympic
11 Odyssey.

12 Q. So those are things that Kelsey had to pay
13 for to participate in?

14 A. I paid for those for Kelsey, yes.

15 Q. In order for Kelsey to participate in
16 them, it came from your funds?

17 A. Yes, and I also put money in, other money
18 in for other kids that couldn't afford it.

19 Q. Any other differences besides those three
20 general categories?

21 A. I can't think of them right now.

22 Q. Is there any particular course or class
23 that you were able to take because it was offered when
24 you were in school that Kelsey has not been able to
25 take because it's not being offered?

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1 A. You know, I can think of my high school
2 experience course work really only in comparison -- to
3 even remember the classes I took, like in keyboarding
4 or typing, Spanish, all the way up to Spanish 3 I
5 think.

6 Q. That's okay if you can't remember.

7 A. Yeah. I'm not quite like Kelsey. I was a
8 little more social.

9 Q. What does that mean?

10 A. Well, when I think of school, I think of
11 my friends and, you know, so it's hard for me to -- you
12 know, I got good grades and I did that, but I think of
13 my friends when I think back on my school experience.
14 I think, you know, I did the science classes and we had
15 textbooks. I think that's a big difference. I think
16 there were more business classes offered than I see. I
17 think there were more business class offerings for me
18 than there are, kind of vocational type classes.

19 Q. That's what you mean by business classes,
20 vocational?

21 A. Vocational class offerings, yes.

22 Q. Can you think of particular classes?

23 A. It would be shorthand and keyboarding, or
24 typing as it was called in my day. I took accounting
25 and, you know, there was like a business operations

1 course or something.

2 Q. This was in high school?

3 A. Yes.

4 Q. So Kelsey is not quite at that level --
5 well, she's there now.

6 A. Uh-huh.

7 Q. For her particular year currently, are
8 those courses that are even available or being offered
9 at her level?

10 A. I don't believe so.

11 Q. Is that toward the end of her school?

12 A. I would imagine that it's, you start to
13 get more offerings getting, you know, the opportunity
14 maybe in sophomore, junior, senior year for sure.

15 Q. Are you familiar with, I believe it's
16 called connect math? Does that term sound familiar to
17 you?

18 A. Connect?

19 Q. Yes, connect curriculum?

20 A. Is there a connected math? Are you
21 referring to a textbook or a style of math? I'm not
22 sure what you're asking me, I guess.

23 Q. Connected math, that's what I'm referring
24 to. Does that have any meaning to you, connected math?

25 A. No.

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1 Q. And I don't have all the dates in my head,
2 but was there any period of time in which Kelsey was in
3 school in which the WASL was just first being used and
4 which it then caused a change in curriculum for her
5 that you're aware of?

6 MR. EMCH: Objection, ambiguous.

7 A. You know, I'm trying to -- I don't
8 remember when the WASL was first brought in. I think
9 WASL clearly has changed, you know, the way that the
10 teachers are teaching and the pressure to do well on
11 the WASL. I have heard that from my kids. I've heard
12 it from Carter since he was in kindergarten, about he
13 used to get nervous about the WASL because he was
14 hearing the word so much from the teacher. But I have
15 heard that. I don't have a frame of time when that
16 changed.

17 Q. You're Caucasian?

18 A. Correct.

19 Q. Is your husband Caucasian?

20 A. Yes.

21 Q. And is he English speaking as a primary
22 language?

23 A. Yes.

24 Q. Do either of you speak a foreign language?

25 A. I took three years of Spanish in high

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1 school. I don't speak it today. My husband took
2 French. I don't know how much.

3 Q. Other than the courses that either of you
4 took in school, would you consider any other language
5 to be -- strike that. It's getting late.

6 Do you regularly speak any other language
7 besides English?

8 A. No.

9 Q. Have either of your kids at any time been
10 on the free and reduced price lunch program?

11 A. No.

12 Q. And do you believe that you and your
13 husband have been harmed in some way because of the
14 basic education system in the State of Washington?

15 A. You know, I can't speak for my husband.
16 In regards to myself, I would say the harm to me was
17 just the prep for college. I don't think I was
18 prepared for it academically.

19 Q. You're referring back now to what the
20 system was like when you were going to school?

21 A. I'm referring to how I felt going into
22 college, how it felt that I wasn't prepared for, how I
23 couldn't succeed at it. How it was -- I guess I just
24 wasn't prepared for it. I didn't feel prepared for it.

25 Q. Any other ways that you've been harmed by

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1 the basic education system and let's put it post-high
2 high school and post being prepared or not being
3 prepped for college?

4 A. I would say in the constant sourcing of
5 education with our own funds through taxes and through
6 levies and through -- I'm on the levy committee, so I
7 spend a lot of time trying to get levies passed and I
8 spend a lot of time away from my family, which I guess
9 you could also say harms, that's another way my kids
10 have been harmed, is by taking my time trying to make
11 ends meet for their education.

12 I belong to a committee called Friends of
13 Chimacum Schools Education Foundation, which I also
14 donate to that monthly out of my paycheck, and those
15 funds go towards teacher scholarships and student
16 scholarships. A teacher could apply twice a year.
17 There's a grant process, they can apply for \$300, \$300
18 for classroom supplementary materials or library
19 needs. Whoever wants to submit a grant, they're looked
20 at and approved if the funds are there to do it.

21 Q. Is that the aspect of the teachers
22 scholarship, is that what the teachers scholarship is
23 for?

24 A. From this, from Friends of Chimacum
25 Schools?

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1 Q. Yes.

2 A. Yes, it's to fill in. So if, say, the
3 class wants to go on a field trip, they've been given
4 \$200 and it costs 500, they can help to supplement
5 that. When a teacher wanted some Quizdoms, it's a
6 testing kind of a little computer thing that the kids
7 can use, like a ball that asks you math questions and
8 then it kind of assesses where you're at, and we gave a
9 teacher a four or five hundred dollar scholarship to
10 get some of those for his kids. There's been some
11 library requests, just some teacher books to supplement
12 the classroom books that they had.

13 Q. What are the student scholarships?

14 A. Student scholarships are given out in
15 various ways, because it can be, you can designate, you
16 yourself could designate that you want to give five
17 scholarships to students. And through the Friends of
18 Chimacum Schools, it's a -- we have one donor in the
19 town where she's donated \$10,000 at the end of the year
20 to go towards, a thousand dollars for students that are
21 going to stay in the area and contribute, you know,
22 maybe they might go to college but come back or
23 something like that, is her interest.

24 People when they pass away sometimes will
25 designate donations to go to Friends of Chimacum

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1 Schools and you can designate how you want your money
2 spent or a scholarship in your name or just in the
3 general fund or that kind of thing.

4 Q. So are these scholarship moneys that are
5 that are available to Chimacum students after they
6 graduate then for college or is it money that's being
7 spent while they're in Chimacum schools?

8 A. Kids receive scholarships their senior
9 year at graduation. That's when they're given out.
10 Some of them stay with them to help continue their
11 education process.

12 Q. Who makes up the Friends of Chimacum
13 Schools?

14 A. It's a board of community members, some
15 retired, some business members, whoever we can get to
16 be a participant on it.

17 Q. What role do you play?

18 A. Treasurer. I do the newsletters and the
19 website and all the documents.

20 Q. How long have you been with the Friends of
21 Chimacum Schools Education Foundation?

22 A. I've been supporting them for many years.
23 I've just become on the board in the last year, year
24 and a half, supporting them through my work, you know,
25 in that way. Now I've taken a more active role. I've

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1 been donating money to them for probably since my third
2 year.

3 Q. Any other committees or boards that you've
4 been involved in while your kids have been in school or
5 during in past years that they've been in school?

6 A. Not that I -- I'm on the levy committee
7 and Friends, have been on two levy committees since I
8 came to Chimacum, I've been on that.

9 Q. So talk to me a little bit about that.
10 What are you doing with the levy committee and who is
11 it?

12 A. The levy committee and/or bond committee,
13 it was a bond, when I first came that we were trying to
14 get the primary school built for our facilities that
15 were overflowing with kids. And so it took, I think it
16 was the third try maybe we got it passed, because I
17 think the first one I wasn't there for. I was on that
18 committee. It takes a lot of time and commitment
19 knocking on doors, educating people about it. Levies
20 were previously every four years. Yeah, every -- wait,
21 every two years and now you can make them out longer,
22 but we tend to stick with two. We have done one
23 three-year levy.

24 We have, we do have a pretty supportive
25 community in Port Ludlow that I think helps carry our

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1 school district. They're the retired people. The
2 problem I'm seeing with them, though, was a lot of the
3 new people coming into the area, we had a lot of
4 questions this time. They don't understand levies or
5 why we need levies. It seemed like there was more
6 questions in that regard trying to convince them that
7 this is part of what we need to operate as a school.

8 Then our committee of -- anyway, as part
9 of the levy committee, it's talking to people and
10 educating them about what a levy is why we need it.

11 Q. You indicated that one of the ways that
12 harm has come to your kids or to you is because of the
13 amount of the time --

14 A. And money.

15 Q. Right now I want to focus on the time.

16 A. Sorry.

17 Q. I appreciate that.

18 -- the amount of time that you've spent
19 away from the family because of working on levies and
20 bond issues and that sort of thing. Did I understand
21 that correctly?

22 A. Yes.

23 Q. How much time have you spent away from the
24 family doing that stuff in let's say in the last year?

25 A. The last year, with all of the different

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1 groups, with the two different groups --

2 Q. Right now I'm focusing on the levy.

3 A. On the levy? You know, this levy, we
4 didn't really to have to spend too much of our own time
5 on because we didn't have to get the super majority,
6 for one, and we had a 68 percent passage at our last
7 levy. So it wasn't as time-consuming as they have been
8 in the past. So to answer your question, maybe four
9 hours this particular levy.

10 Q. So when was the most recent levy passed?

11 A. February.

12 Q. For the February '09 levy effort, you
13 spent about four hours?

14 A. Yes.

15 Q. The levy before that, what time frame are
16 we talking about for passage?

17 A. That would have been three years prior, so
18 '06, I believe.

19 Q. About February of '06?

20 A. Uh-huh.

21 Q. How much time did you spend working on
22 that levy?

23 A. I would say 40 to 60 hours.

24 Q. Over what period of time?

25 A. Probably January to February, end of

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1 December to February. I'm just kind of summarizing my
2 time. I don't really, haven't really kept track of
3 that. That's just my best guess.

4 Q. From the end of December '05 to January,
5 February of '06, for the February '06 levy, you spent
6 about 40 to 60 hours, is your best guess at this point?

7 A. Uh-huh.

8 Q. Is that right?

9 A. Yes. I'm sorry.

10 Q. That's fine.

11 And prior to that, were you involved in
12 any levies?

13 A. Uh-huh. I guess that would have been '04.

14 Q. How much time did you spend?

15 A. Probably similar time for the levy, yeah.

16 Q. Over the same period of time in terms of
17 months?

18 A. That year I think we actually failed the
19 levy and we had to go through a RIF and run the levy
20 again. So I think we had to run it twice that year of
21 '04, so there would have been probably more time
22 spent. You could probably double that.

23 Q. Prior to '04, you were involved in levy
24 activities?

25 A. Yes, it would have been '02. I've been

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1 involved in them since '97 with the school district so
2 every two years.

3 Q. So since '97, unless you have to run it
4 twice in a year, is it about the same amount of time,
5 40 to 60 hours?

6 A. Probably.

7 Q. For a two to three-month period?

8 A. Yes, probably except for '97 is when we
9 ran the bond, which was a huge campaign to try and
10 build the primary school, and that took a lot of time.
11 That was phone calling and door knocking and just
12 continually campaigning, talking about it.

13 Q. Did your husband participate on the levy
14 committee or any of the levy work similar to what you
15 did?

16 A. No, he's at home with the kids.

17 Q. Does your husband participate on any of
18 the other committees that you mentioned, Friends of
19 Chimacum Schools?

20 A. No.

21 Q. How long have you been involved with the
22 Friends of Chimacum Schools?

23 A. Probably since '98, I think that's --
24 whenever they started up, I've been involved in it
25 since the beginning.

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1 Q. But only recently on the board?

2 A. Correct.

3 Q. As treasurer?

4 A. Correct.

5 Q. How much time prior to getting on the
6 board were you spending with Friends of Chimacum?

7 A. Oh, maybe generally speaking, one to two
8 hours a week maybe.

9 Q. And now that you're treasurer, how much
10 time are you spending?

11 A. I'd say it's about the same.

12 Q. Any other activities that have taken you
13 away from your family besides the levy bond work and
14 Friends of Chimacum that have involved matters relating
15 to basic education?

16 A. Not that I can think of right now.

17 (Discussion off the record.)

18 Q. You've been handed what's been marked as
19 Exhibit-26 and 27. If you could just take a minute and
20 look at those and what I'm looking for is whether
21 you've ever seen these before?

22 A. Yes, I've seen these documents.

23 Q. Do you recall when you first saw them?

24 A. You know, I've gotten a lot of these
25 documents. I don't recall when I first saw them. It's

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1 been over a couple of years that, you know, this is
2 when it first started. So maybe -- I don't know.

3 Q. So I'm just waiting to see if you're
4 finished with your answer. As best as you can
5 remember.

6 A. Yes, I have seen these documents.

7 Q. But you don't recall exactly when?

8 A. I don't recall when they were given to
9 me. I've received a lot of documents.

10 Q. Was it before 2009 that you saw them?

11 A. Yes.

12 Q. And as it relates to Exhibits-29 and 30,
13 when did you provide those records to counsel?

14 A. When did I supply these?

15 Q. Yes.

16 A. Just a couple of days ago.

17 MR. EMCH: I'll note for the record that
18 we've had several events and activities in this case
19 including a summary judgment motion. There have been
20 several discovery conferences and agreements regarding
21 discovery, and that the protective order was just
22 negotiated with counsel and entered on January 21st of
23 this year, 2009.

24 Q. Besides Exhibits-29 and 30, have you
25 provided any other records to counsel, to Mr. Emch or

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1 any of the other attorneys in this case?

2 A. No I think it's all here.

3 Q. Have you ever --

4 A. Excuse me -- go ahead.

5 Q. Well, let me ask, just off the record for
6 a second.

7 (Discussion off the record.)

8 Q. Are you still looking for documents that
9 you think might be responsive?

10 A. No, I think I got everything that I had.
11 I think one of my kids I was missing a kindergarten
12 report card, but I think I found most everything that
13 would be pertinent, the report cards and things.

14 Q. Do you think that you have found
15 everything that you would have that would be responsive
16 to the requests in Exhibit-26 and 27?

17 A. Yes, I believe I have.

18 Q. Have you ever participated in providing
19 oral comments or testimony before any governmental type
20 bodies, whether it be from the school district, to the
21 legislature?

22 A. Have I -- say that again.

23 Q. Have you ever provided oral comments or
24 testified before governmental body about basic
25 education issues, whether it be from the school

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1 district, school board, to the legislature, the whole
2 gamut?

3 A. No. It is clearly out of my comfort zone
4 to speak orally in front of anybody. The one time I
5 did was the press conference in relation to this
6 lawsuit. That's the only time I spoke publicly.

7 Q. Have you ever provided any written
8 statements, letters, correspondence, to any
9 governmental entities, all the way from the school
10 district level, to the legislature or governor, about
11 basic education issues or concerns?

12 A. We have sent things to the legislature on
13 behalf of the board, you know. I couldn't recall what
14 those are. I know I've had communication with them on
15 behalf of the school board, but not on my own behalf,
16 no.

17 Q. To your knowledge, has your husband ever
18 testified about basic education issues or provided
19 public comment to a governmental entity?

20 A. Not to my knowledge.

21 Q. And to your knowledge, has he ever written
22 any statements or correspondence or letters about basic
23 education issues to any governmental body?

24 A. No, not to my knowledge.

25 Q. Are you aware of what kinds of legislative

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1 efforts are going on currently around basic education?

2 A. Yes, what the different studies that have
3 come out and on basic education, and there was a
4 Washington Learn study. I'm aware that those studies
5 are have, have been done.

6 Q. Have you read or reviewed any of their
7 reports?

8 A. I have reviewed the basic education one.

9 Q. The task force?

10 A. Yes.

11 Q. Do you recall when you reviewed that?

12 A. Probably just in the last week or so.

13 Q. Why did you review it in the last week or
14 so.

15 A. I was curious to see what it had to say.

16 Q. Did you formulate any opinions in your
17 mind about anything in it in terms of what it had to
18 say?

19 A. I did.

20 Q. What opinions did you formulate?

21 A. Well, I guess I just felt that it
22 basically supports my belief that education is
23 underfunded. I don't think it offers up any solution.
24 It certainly won't affect my kids anytime soon. I
25 think it's just another study that's been done without

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1 any action.

2 Q. Have you had conversations with anyone
3 other than your lawyers about the Basic Education Task
4 Force report?

5 A. No.

6 Q. What kind of publications do you subscribe
7 to at home? Actually, let me limit that because I
8 don't need to know everything that you subscribe to.

9 Do you subscribe to any publications that
10 relate to educational issues?

11 A. No. I see those at work, I guess, that
12 come through to the school board.

13 Q. Are there any particular ones that you pay
14 attention to?

15 A. Well, it seems that funding is always a
16 point of discussion at, you know, board meetings and,
17 you know, and/or leadership team meetings with the
18 administration on how to set the budget for next year
19 or what to cut. You know, if I-728 goes, how many
20 teachers are we letting go? It's a source of
21 conversation that's always around.

22 It's a pressure that's always there for
23 the administration: Can you do without all-day
24 kindergarten or do you let the teacher go? How do you
25 make those hard decisions? Or do you keep narrowing

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1 the classes down, the selection of classes because you
2 don't have the numbers of students or the money to make
3 the offerings or the -- I don't know. It seems to be
4 part of my daily life, not just -- so I don't go home
5 and search out any more information typically because I
6 seem to get it pretty regularly.

7 Q. So I think I was asking if there were any
8 particular publications that you paid attention to?

9 A. Nothing in particular, no.

10 Q. Do you visit websites that involve
11 education issues?

12 A. I have followed along with the NEWS
13 website and the publications they put on there. There
14 wasn't one site in particular I go to on a regular
15 basis, no.

16 Q. To your knowledge, does your husband
17 follow any particular publications or websites around
18 educational issues?

19 A. Not to my knowledge, I don't know that.

20 Q. Are you aware of the remedy that's being
21 asked for in the lawsuit?

22 A. Yes.

23 Q. And what's your understanding?

24 A. Quite simply to figure out what it costs
25 to educate a child and to fund it, all children, ample

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1 provision, not a minimalistic funding approach, but
2 really, just what does it cost? Then to come up with
3 stable funding for it, not funding that can be cut, as
4 in I-728 or the federal forest flow-through dollars,
5 any of the money that's coming to and gets taken away
6 so it's a constant disruption to the educational
7 program and teachers.

8 Q. So how do you think they should do it?

9 A. Well, I guess it's not up to me to decide
10 that. I think it's, the legislature decided a long
11 time ago they needed to fund education, what, 30 years
12 ago, and they still haven't done it. So it's clear
13 that it's always a point of conversation as people run
14 for office and whatnot, but nothing is being done about
15 it. That's I guess why I'm here, to try and get some
16 kind of action moving so maybe my kids will get an
17 opportunity before they graduate or we're not sitting
18 here in the same spot.

19 Q. So you don't have any particular solutions
20 in mind for them to adopt?

21 MR. EMCH: Objection, mischaracterizes the
22 testimony. Also objection to the extent it calls for a
23 legal conclusion. The complaint speaks for itself.

24 A. So again, I don't have any -- what did you
25 say?

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1 Q. I'm asking you: How should they do it,
2 how do you think they should do it?

3 A. I don't think that's -- I think that's up
4 to them to determine. I think that's what the lawsuit
5 is asking for.

6 Q. I understand that, but do you have any
7 particular opinions --

8 A. No, I don't have, I don't have a
9 suggestion for them.

10 MR. EMCH: Same objections.

11 Q. What's your understanding of how local
12 levy money should be spent?

13 A. My understanding is it was for, you know,
14 the extracurricular type things, the music and what was
15 considered to be extra programs.

16 Q. Anything else besides music?

17 A. You're not asking me how we spend our levy
18 dollars, you're asking me --

19 Q. That'll be my next question. I'm asking
20 you, what is your understanding of what it's supposed
21 to be spent on?

22 A. I think it was for particularly the extra
23 things outside of basic education, I guess would be my
24 opinion on that.

25 Q. So what things outside of basic education

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1 do you have an understanding that it would be spent
2 for?

3 A. I think that it was originally set up to
4 cover the sports, maybe field trips, maybe highly
5 capable teachers, things outside of your regular
6 classroom.

7 Q. So do you have a belief that the levy
8 money in your school district is not being spent on
9 these things, but it's being spent for other things?

10 A. Yes, it is being spent for other things.
11 It's been spent more for textbooks in the classroom.
12 It's covering staffing. It covers library, music,
13 extracurricular activities, transportation,
14 maintenance. It has to cover all those areas that
15 aren't covered in our regular budget.

16 Q. And how do you know it's being spent on
17 those things?

18 A. Because I work on the levy committee, one,
19 and I work with the business manager and I'm at board
20 meetings where we talk about, where you present budgets
21 on how the levy dollars are being spent and how they
22 actually were spent. I know the kind of things they
23 talk about that will be gone and be cut if the levy
24 doesn't pass.

25 Q. Has there ever been a time in which the

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1 levy didn't pass?

2 A. I think I said it was in '04; is that
3 right?

4 Q. You did a repeat in April?

5 A. Right. Because it didn't pass the first
6 time, we had to do a RIF of teachers first in case the
7 levy didn't pass.

8 Q. Was that just a three-month RIF then for
9 three months?

10 A. It was a notice they would not have their
11 jobs, because the union contract required us to notify
12 them prior to when we would know the outcome of the
13 levy. And that if the levy hadn't passed, we couldn't
14 afford to keep the teachers in our budget.

15 Q. But they weren't actually RIF'd?

16 A. Because we was passed the levy in April,
17 correct. I'm trying to remember if they had to reapply
18 with their jobs or if it was a RIF based on if the levy
19 didn't pass. I can't remember the wording.

20 Q. In any event, no teacher has lost their
21 position because of a levy failure?

22 A. Correct.

23 Q. Formally lost their position?

24 A. Correct.

25 Q. Anywhere else the local levy money is

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1 being spent on besides the things that you just
2 mentioned?

3 A. I rattled off a bunch of them. I think I
4 hit a bunch of them. There could be more in there.

5 Q. Do you think the district is improperly
6 spending any of the money that they get?

7 A. Absolutely not, I don't. I think we have
8 a business manager that -- I know we have a business
9 manager, he used to be an auditor and he's very --
10 they've done a really great job making do with the
11 money we get. I say based on my knowledge as they talk
12 about it on board meetings and whatnot and how to make
13 ends meet.

14 We have cooperatives for Port Townsend, we
15 share food services with them, transportation with
16 them. We try to figure out ways to save money and keep
17 it in the classroom and get those dollars into the
18 classroom room now and save it on those, you know, like
19 trying to run a food program on our own.

20 Q. At no point in time that you've been
21 involved in various activities related to the schools
22 that your kids have gone to have you thought the school
23 district was misspending any of the money that they've
24 gotten in any way?

25 A. I have not thought that, no.

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1 Q. Have your kids suffered or been harmed in
2 any way because of any transportation issues that the
3 school district has?

4 A. Well, to and from school, no. Because I
5 work there, I transport them myself usually. For field
6 trips, that's a problem.

7 Q. So the regular to and from school, not a
8 problem.

9 A. No.

10 Q. Field trips, yes.

11 A. Yes.

12 Q. Do you know what a TRI contract is?

13 A. Yes.

14 Q. What's your understanding of that?

15 A. Pays for extra time incentive, what's it
16 stand for, extra time that the teachers put in like
17 going to music programs or getting report cards, extra
18 time outside their normal contracted time.

19 Q. Do you understand the TRI contracts to be
20 money that the teachers are receiving over and above
21 their salary?

22 A. Yes.

23 Q. And have you formulated any thoughts or
24 opinions in your mind about the appropriateness or
25 inappropriateness of TRI contracts?

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1 MR. EMCH: Objection to the extent it
2 calls for a legal conclusion.

3 A. No, I haven't formulated any opinion about
4 that.

5 Q. Have you heard people talking about that?

6 A. I have in regards to, it comes up when
7 you're negotiating teacher contracts, and some school
8 districts have more than others. So that's where it
9 comes up I guess.

10 Q. Do you have a sense for how much more
11 income the TRI contract is adding to the teacher's
12 salary in the Chimacum School District as a general
13 matter?

14 A. Are you asking me an amount?

15 Q. Yes. How much is it adding to their
16 income, is it a thousand dollars, 10,000, 50,000?

17 A. It would vary depending on where they're
18 on the salary schedule, because it's based on that, and
19 I would say it's probably a thousand dollars to 1,500
20 generally. That's for Chimacum.

21 Q. Have you had any conversations with
22 teachers about TRI contracts?

23 A. Well, I issue the TRI contracts to them,
24 but the conversation would be more in the just "I need
25 to get it back" kind of a thing. I don't talk about

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1 the contract with them.

2 Q. When you say "issue," what do you mean?

3 A. Well, as part of personnel, I issue
4 teachers contract that they sign and return, and they
5 go into the personnel file and into payroll.

6 Q. Supplemental contract, have you heard that
7 term?

8 A. Yes.

9 Q. And do you have an understanding one way
10 or another whether that's the same thing or different
11 than TRI contracts?

12 A. Different.

13 Q. How are they different?

14 A. Supplemental contracts would be paid for
15 specific committees a teacher might be on, be it a
16 school improvement team or a site council or with a SAT
17 subject study. We've got a textbook study. They study
18 the different textbooks for a year and spend a lot of
19 time on their own researching the different textbooks
20 and collecting them. So it's over and above, it's
21 really more for a specific duty or task.

22 Q. Do you have a belief that either TRI
23 contracts or supplemental contracts are being used to
24 pay teachers for their basic education teaching
25 service?

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1 A. No, I don't have a belief about that. I
2 think that, I think the contracts are clearly, like
3 supplemental contracts are clearly for time and things
4 on behalf of a school. Is that what you're asking
5 me, if I think they're being paid for work during the
6 day?

7 Q. Yes.

8 A. No.

9 Q. What about TRI contracts?

10 A. No. I think teachers put in a lot of time
11 on their own, and supplies and money and purchasing
12 supplies. I have a lot of teacher friends purchasing
13 things for their classroom and for the kids, even for
14 the food to have snacks for the kids. So I don't think
15 that -- I forget what the original question was.
16 They're not being used during the educational day, I
17 guess.

18 Q. Do you think that teachers in your school
19 district are being underpaid?

20 A. I guess you're asking me an opinion. I
21 don't really have an opinion about that. I don't. I
22 think there's a lot of job overpayment/underpayments in
23 all different areas. So it's just the school district
24 or somebody working for a Microsoft. You know, I don't
25 really -- it's just what it is, I guess.

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1 Q. You think there might be some teachers
2 that are underpaid and overpaid in your district?

3 MR. EMCH: Objection, mischaracterizes the
4 testimony.

5 A. I don't think that, no, about teachers in
6 our district.

7 Q. So you don't have an opinion one way or
8 the other?

9 A. No.

10 Q. Do you think money is the single answer to
11 providing your children with a basic education as you
12 understand that term?

13 A. Not necessarily, I don't. I don't think
14 it's the only answer.

15 Q. What else would be involved?

16 A. Well, I don't know. I mean, that's, I
17 think that is what I'm asking to be determined, you
18 know, how do we pay for that? Is it money? Is it
19 sufficiently provided for now for this ample education
20 for my children? If it's not enough, then money is the
21 answer. If it is, then how else are you going to offer
22 something without money? Maybe I guess it is. Because
23 everything costs, nobody does anything for free. So
24 most likely money is going to be the answer to make
25 more offerings for children and get them a better

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1 education.

2 Q. Do you think that parents have a role in
3 supporting and providing -- strike that.

4 Do you think that parents have a role in
5 contributing to their children's basic education?

6 A. With me as a parent, I think we clearly
7 contribute to our kids' education by supporting them at
8 home, making sure they are fed and have a good night's
9 sleep and are ready to go to school and learn. I think
10 we have a big role in that.

11 Q. Is that the extent of the parents' role,
12 is to feed them and get a good night's sleep?

13 A. I wouldn't say that's the extent of it. I
14 think there's a lot of ways parents can volunteer and
15 be part of the kids' education. Just to be involved in
16 the kid's life I think is a big part of that.

17 Q. Anything else?

18 A. Not that I can think of.

19 Q. Do you think, regardless of money,
20 teachers themselves have a role in providing basic
21 education?

22 A. I'm not sure I understand what you're
23 asking.

24 Q. You can have all the money in the world,
25 but if you don't have a good teacher, the money isn't

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1 going to help provide through that teacher basic
2 education; would you agree with that?

3 A. Yes.

4 Q. So quality of the teachers is also a
5 factor in contributing to a child's basic education?

6 A. Yes, I would agree that that's one of the
7 important pieces.

8 Q. You talked a little bit about the physical
9 facilities. At any of the schools that your kids have
10 attended, what specific facilities issues or problems
11 are you aware of?

12 A. At Chimacum school, like I said earlier at
13 Chimacum School District, there's the track that they
14 practice track on, you know, has holes and whatnot.
15 They couldn't have a meet there. We don't really have
16 a track.

17 Q. Is this the primary school or the
18 elementary school?

19 A. Well, we're all on one site.

20 Q. You're all on one site?

21 A. Yes. And for primary school, which is a
22 mile down the road, so 3-12 is all on one campus.

23 The same with football. They have
24 football games in Port Townsend and we had the new
25 primary school and we have, you know, we've done some

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1 remodel stuff to the high school. You know, it's just
2 a continual maintenance, I think which is helping.

3 And the elementary school is pretty old.
4 We recarpeted and try to keep maintaining the
5 buildings, but we were lucky to pass the bond and do
6 some upgrades for the facilities themselves there.

7 Port Townsend isn't able to pass the bond
8 right now and they have a lot of issues going on.
9 Their buildings are really rundown. In fact, my
10 daughter said something about it the other day. The
11 facilities, she said she was afraid there was mold
12 growing in there. I don't know if that's been a point
13 of conversation between the kids there or what, but I
14 think their facilities are in horrible shape.

15 And again, I'm not so sure. I have a
16 friend that's a teacher there. When I talk about my
17 daughter's textbook, I know in his class, they haven't
18 had textbook adoption in years. That would be part of
19 the funding problems there.

20 Q. I'm sort of looking for the physical
21 structure issues.

22 A. Physical structures, many in Port
23 Townsend. I mean, it's probably on their website under
24 their bond, is the buildings are in poor shape and --

25 Q. How is Chimacum High School?

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1 A. Chimacum High School, had to remodel it
2 when we passed our bond. So we have some big heating
3 issues there and they're going to look at once our bond
4 goes off, passing a bond to cover that unless we can
5 find some grant money or something. I think it's a
6 \$100,000 problem. So one teacher's classroom, several
7 of them, they either get really hot or really cold.
8 They can't figure out to get the heat functioning
9 properly.

10 Elementary school has problems again with
11 heating, and so more of the, I don't know if you call
12 that internal operations. The elementary is probably
13 our oldest building. I'm guessing.

14 Q. Going to Port Townsend, how is Kelsey
15 getting to and from school?

16 A. I share with another parent. We share
17 rides in, what do you call that, commuting. One mom
18 takes her three days a week and I take her two days a
19 week.

20 Q. You wouldn't expect the Port Townsend
21 School District to have to transport Kelsey, would you?

22 A. No, no, because that's my choice to take
23 her there.

24 Q. In terms of the Chimacum School District,
25 are you aware of any particular transportation issues

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1 for the school district getting kids to and from
2 school?

3 A. I think the only issues I hear about
4 transportation, basically when you get special ed
5 students, trying to figure how to get them bused to or
6 from their location. In general, I think we have a
7 pretty good fleet of buses and maintenance on them.

8 Q. So in terms of the money that you and your
9 husband have spent over the years -- well, strike that.

10 What kinds of things have you had to spend
11 money on over the years?

12 A. Well, we have our taxes, levies, the
13 donations I give for other kids for field trips to go
14 on, school supplies we've donated. My daughter, they
15 have a culture fair where you have to buy a piece of
16 cardboard for \$3.50, photography fee, \$10. I talked
17 about the outdoor ed programs that are 150 apiece. Our
18 exchange student signed up to do cross country at Port
19 Townsend, hundred bucks to do that.

20 Q. Cross country running?

21 A. Hundred dollars for participation and they
22 have a \$50 one-time fee just to participate in
23 athletics. So \$50 per sport. Your first one is a
24 hundred, every succeeding is 50.

25 Q. Is that a one-time charge or is that a

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1 year?

2 A. I don't know. That was my first
3 experience with that, was with my exchange student.

4 Q. You have to pay a sport fee for your kids
5 to participate?

6 A. Carter is not there, but Kelsey I've paid
7 for her. In middle school, I believe our fee is \$25
8 per sport. In the high school, it goes up to \$50. For
9 Kelsey I pay \$25.

10 I'm trying to think of what other kinds of
11 things. They pay for their planners, like a planner.
12 Field trips they paid for.

13 Q. Have you kept track over the years how
14 much money you spent on these types of things?

15 A. No, just in my mind.

16 Q. Are these the types of things you think
17 the state should be paying for?

18 A. Yes.

19 Q. So in your mind, how much have you spent,
20 taking your taxes out of it?

21 MR. EMCH: Are you asking in a given year,
22 Carrie?

23 MS. BASHAW: Well, I'm asking what's in
24 her mind. She says it's in her mind.

25 A. In my mind, I have a list of things. I

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1 told you, I haven't kept track of the money. I don't
2 really have a number. I don't even know how to answer
3 that.

4 On a given year, sixth grade, you know, we
5 had the Cispus, which was 150, and then I probably
6 spent maybe 250 to \$300 that year on Kelsey.

7 Q. And which grade was this?

8 A. Sixth grade. That's just again a guess.
9 I don't want to --

10 Q. I appreciate that.

11 A. In high school when I registered Elena, it
12 was quite a bit more, our foreign exchange student,
13 I've had parents say they've written a \$500 check.
14 It's for sports, if's for year book, all those things,
15 pictures, ASB card, another ASB card would be another
16 fee on there.

17 Q. What is that?

18 A. I think it's \$25 in the middle school and
19 50 in the high school.

20 Q. What does ASB stand for?

21 A. The associated student body.

22 Q. Any other things you can think of that you
23 paid for?

24 A. Does drivers ed count?

25 Q. Is it mandatory?

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1 A. It's not mandatory, no, but it was covered
2 when I went to school. That was \$450.

3 Q. Have you kept track of how the local levy
4 tax money has impacted your expenses in all of this?

5 A. No.

6 MS. BASHAW: I don't have any further
7 questions.

8 MR. EMCH: We'll take a short break.
9 We'll be wrapping up soon, I imagine.

10 (Brief recess.)

11 (Exhibit-32 marked.)

12
13 E X A M I N A T I O N

14 BY MR. EMCH:

15 Q. Mrs. McCleary, earlier you referred to the
16 complaint and when you were generally asked about the
17 content and substance of basic education. Do you
18 recall that?

19 A. Yes.

20 Q. And do you generally agree with the
21 descriptions in the complaint that refer to the
22 substance and content of basic education?

23 A. Yes, I do.

24 MS. BASHAW: Object to the form of the
25 question.

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1 Q. Mrs. McCleary, is art a part of basic
2 education?

3 A. Yes, it is.

4 Q. And why is that?

5 A. Well, it's listed there by the legislature
6 as part of basic education, and it helps -- it's a big
7 part of my daughter's life, for one. I think it helps
8 with the creative thinking and analytical processing,
9 and I think it's a big part of her education for sure.

10 Q. What about music, is that part of basic
11 education?

12 A. Yes.

13 Q. And why is that?

14 A. Again, it's listed in there with the
15 definitions of the legislature, and it goes right along
16 with the art and music together. And particularly for
17 my daughter with her dance and music, the creative
18 thinking, I think they go hand in hand.

19 Q. And what about sports, are sports part of
20 basic education?

21 A. Sports are, yes.

22 Q. And why is that?

23 A. That's listed again under the basic
24 education definitions there and it's part of the health
25 and nutrition, and I think it's a big part of teaching

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1 kids to adopt healthy life-styles and to
2 competitiveness and generally good habits, lifelong
3 habits.

4 Q. Does it help them with teamwork?

5 A. Yes.

6 Q. And do you think teamwork is important in
7 a global economy?

8 A. Absolutely.

9 Q. And Mrs. McCleary, counsel asked you some
10 questions about levies, local levies, and you had some
11 commentary about the levy's purpose and you referred to
12 extras. What do you mean by that?

13 A. Well, I referred to extracurricular, which
14 is what we call the sports and those types of programs
15 as extracurricular, but I certainly didn't mean to say
16 extras outside of or mean to infer extras outside of
17 the basic education.

18 Q. And with respect to the local levies, that
19 art, music, sports, would you consider those part of
20 basic education?

21 A. Yes.

22 MS. BASHAW: Object to the form of the
23 question.

24 Q. Is that type, are the levies being used
25 for those purposes right now?

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1 A. No, the levies are being paid for, we're
2 paying for textbooks and the classroom teachers, and
3 we're being charged the sports fees and things like
4 that used to be covered by levies.

5 Q. Ms. McCleary, earlier you were talking a
6 little bit, you were asked some questions about the
7 role teachers play in education. Do you recall that?

8 A. Yes.

9 Q. Is money an essential component of quality
10 teaching?

11 A. Yes.

12 Q. Why would you say that?

13 A. I think part of attracting teachers
14 particularly in a smaller district, I don't know about
15 particularly, but it makes it easier to attract and
16 retain a quality teaching staff for the students and
17 compete with all schools so we can have similar quality
18 in our teaching.

19 Q. What about retention of teachers, does
20 money play a component in that?

21 A. Yes, absolutely.

22 Q. And what about turnover for teachers, does
23 money have a factor, is that an essential factor in
24 that?

25 A. Yes.

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1 Q. Do you have any personal experiences that
2 you could describe about that type of situation?

3 A. Well, when we have to RIF teachers because
4 we don't have enough money, it's harder to attract new
5 teachers to come, to replace those teachers, I guess.

6 Q. What about resources available to
7 teachers, is money an essential component of the
8 resources those teachers have?

9 MS. BASHAW: Object to the form of the
10 question.

11 A. Yes.

12 Q. Why would you say that?

13 A. Because the resources available to the
14 teachers, so they're not putting so much of their own
15 time and money into covering those areas that aren't
16 being met by school districts.

17 Q. What about attracting quality teachers, is
18 money a factor in that?

19 A. Yes.

20 MR. EMCH: No more questions today. Thank
21 you.

22 MS. BASHAW: I've got a couple of
23 questions, won't take very long.
24
25

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E X A M I N A T I O N

BY MS. BASHAW:

Q. You'll see in front of you Exhibit-32. It has the last two digit numbers of 136 on it. Do you see that?

A. Yes.

Q. Was this one of the records that you provided to counsel?

A. Yes.

Q. As part of discovery?

A. Yes.

Q. It looks like there this was a flier of some sort that was sent in the mail to your home?

A. Correct.

Q. It seems to be a notice to parents at least when Kelsey was at Chimacum Middle School that there was an excessive amount of tardiness. Do you see that?

A. Yes.

Q. Was that unusual for Chimacum Middle School or was that a regular problem?

A. It was the first time -- I don't know what year this came out. I don't know if it's unusual or not. I think they were really trying to track, track it, you know, specifically track tardies and absences

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1 and they were focusing on that, I guess I should say.

2 Q. Had you ever gotten one of these notices
3 before then or was that the only one you ever got?

4 A. I think it was the only one I ever got.
5 It was part of a newsletter. I think it was just
6 noting it to parents.

7 Q. Do you see where it starts, "Additionally,
8 we note"?

9 A. Yes.

10 Q. Then the second sentence says, "It is
11 typical that school achievement is directly connected
12 to attendance at school"?

13 A. Yes.

14 Q. Do you see that?

15 A. Yes.

16 Q. Do you agree with that? Did either of
17 your kids have any attendance issues or problems?

18 A. Have they ever missed school?

19 Q. Right. Have they ever had that as a
20 problem, as opposed to missing school one day here or
21 there?

22 A. No.

23 Q. Has attendance ever been a problem?

24 A. No.

25 Q. Then are you familiar with a survey, it

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1 looks like it went out, by the Chimacum Middle School
2 called the parents survey, '08-'09?

3 A. No. I don't have a child there so I
4 wouldn't have gotten it.

5 Q. Do you recall any other surveys that were
6 sent out to the parents?

7 A. Survey in regard to what?

8 Q. Just about school or your kids' learning
9 or the teachers or any kind of surveys?

10 A. I think I remember one, I don't even know
11 when, maybe when Kelsey was in sixth grade. I don't
12 remember what it was about. I don't know. I don't,
13 I'm sorry.

14 Q. So on a regular basis or every other year
15 basis, you're not aware of these surveys at any of the
16 schools your kids have gone do that have been put out
17 to parents?

18 A. No, not that I recall.

19 Q. Are you aware of any that the Chimacum
20 School District has put out?

21 A. Yes, I'm sure we put some out, you know,
22 like through the high school when they were going ahead
23 through accreditation, that kind of thing, but nothing
24 that stands out that I can grab ahold of right now.

25 Q. One last thing.

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(Exhibit-33 marked.)

Q. You've been handed what's been marked as Exhibit-33. Do you recognize this to be your declaration that was signed on May 3rd of 2007?

A. Yes, I do.

Q. That was in relation to this case?

A. Yes.

Q. You make reference to the Seattle School District case. Do you see that at the last sentence?

A. Yes.

Q. What significance did that have for you in making reference to this in this declaration? Why did you make reference to the Seattle School District case?

A. Because that was when the ruling came through that education should be funded, and it directly related to another generation gone by and still the state hasn't fulfilled their promise on that.

Q. When you were 13, did you have any awareness of the Seattle School District case?

A. Probably not.

Q. When to your memory did you first become aware of the Seattle School District case?

A. Maybe in the last few years.

MS. BASHAW: I have no further questions.

Thank you.

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E X A M I N A T I O N

BY MR. EMCH:

Q. I have one follow-up in Exhibit-32. Earlier you testified about your daughter and her level of boredom and lack of challenge. Do you remember that?

A. Yes.

Q. Could attendance at school be affected by a kid's interest and enthusiasm in the quality of the education and the courses being offered?

A. Yes.

MS. BASHAW: Object to the form of the question.

MR. EMCH: Thank you.

(Deposition concluded at 6:05 p.m.)

(Signature reserved.)

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S I G N A T U R E

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the CHANGE SHEET flyleaf page hereof.

Signed in.....WA on the.....day of....., 2009.

.....
STEPHANIE McCLEARY

Taken: February 20, 2009

Reporter: Margaret Walkky

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C E R T I F I C A T E

STATE OF WASHINGTON) ss.

COUNTY OF KING)

I, the undersigned Registered Merit Reporter and an officer of the Court under my commission as a Notary Public for the State of Washington, hereby certify that the foregoing deposition upon oral examination of STEPHANIE McCLEARY was taken before me on February 20, 2009 and transcribed under my direction;

That the witness was duly sworn by me to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of, any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome. IN WITNESS WHEREOF, I have hereunto set my hand and seal this date: February 27, 2009.

.....
Margaret Walkky, Notary Public in the

State of Washington, residing at Seattle.

Commission expires 9-18-09, License No. 2540